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THE INTERNATIONAL
JOURNAL OF ETHICS

OCTOBER, 1916.

TENDENCIES OF LEGISLATIVE POLICY AND MODERN SOCIAL LEGISLATION.[1]

ERNST FREUND.

THE last ten years have witnessed remarkable changes in the attitude of American courts toward social legislation. In 1905 the negation of legislative power seemed to have reached its extreme limit in the decision of the Supreme Court in the so-called bakeshop case (Lochner *v.* New York, 198 U. S. 45). In 1908 the favorable attitude of the same court toward the limitation of women's hours of labor gave hope for greater liberality (Muller *v.* Oregon, 208 U. S. 412), and this was strengthened in 1910 by the apparent change of position of the Supreme Court of Illinois on the same question of women's hours of labor (Ritchie *v.* Wayman, 244 Ill. 509). There followed however a year afterward, in 1911, the annulment of the workmen's compensation act of New York by the Court of Appeals of that state (Ives *v.* South Buffalo R. Co., 201 N. Y. 271). While this extraordinary ruling did not, as subsequent developments have shown, stop the onward course of the type of legislation which it checked only slightly, yet as the unanimous expression of the most important of state courts it could not be regarded as otherwise than extremely signifi-

[1] This article forms the introduction and first chapter of a forthcoming volume, "Standards of American Legislation."

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cant. It seemed quite inadequate to apply to such a decision the usual methods of legal criticism; for even if it were possible to demonstrate conclusively the unsoundness of the conclusion reached by the court, the question would remain how it was possible that so narrow a view of legislative power could command such eminent support, and what theory of judicial control or of constitutional limitation it indicated.

A clue to the situation may be discovered in the opinion itself. The court speaks of the cogent economic and sociological arguments urged in support of the workmen's compensation law; it admits the strength of the appeal to a recognized and widely prevalent sentiment; but, the opinion adds "it is an appeal which must be made to the people and not to the courts." Here, in other words, is a law that can be made by the people, but not by the legislatures. It is well known that the appeal was successfully made, and a new compensation law enacted under express constitutional authority which the Court of Appeals has since sustained (Jensen *v.* So. Pac. R. Co., 215 N. Y. 514).

To the Court of Appeals, then, the due process clause of the constitution, upon which it based its decision, was not, as the similar clause in the federal constitution appeared at least in one case to the Supreme Court, a clause intended to secure the immutable cardinal principles of justice (169 U. S. 387). It is unthinkable that the court should have suggested an appeal to the people to subvert those principles. It was rather a fundamental policy of distributive justice which the New York Court saw fixed upon the state by the guaranty of due process,—fundamental, but after all only a policy, liable to be changed by the progress of economic and social thought.

It is an interesting and significant fact that the attitude of the courts toward social legislation which culminated in the Ives case gave rise to the demand for a right to recall judicial decisions which was inscribed upon the platform of a political party. The demand represented, in addition to the dissatisfaction with the judicial resistance to policies

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endorsed by progressive and insistent popular sentiment, a strong political reaction against the claim of judicial power to fix upon the state by way of constitutional interpretation, policies which were merely implied and upon which the people had never had a chance to declare themselves explicitly. If the movement for the recall of judicial decisions is severely condemned—and there is no intention here to defend it—it should at least be understood how it arose, and it should help us to discriminate between policies and principles.

The popular objection to the attitude of the courts in opposing to social legislation alleged constitutional policies was however not merely that these policies were implied and therefore judge-made; more serious was the fact that they were entirely indefinite. It would be possible to read into our constitutions, as essential to republican government, a right of political association in analogy to the explicitly guaranteed right of assembly. Such a right could be easily formulated and its limits judicially defined without great difficulty. It is otherwise with the rights that are supposed to stand in the way of advanced social legislation. We have heard much of freedom of contract: would any one be prepared to place this right by the side of freedom of press and religion, without definition or qualification? Legislative regulation of the right of contract can obviously be questioned only by reason of the manner and extent, not by reason of the mere fact, of its exercise. But then, from a legal standpoint, the essential thing is not the right, but its qualification, and an undefined claim to freedom of contract presents in reality no justiciable issue.

What then have the courts done to define the issue? Have they said that the freedom of contract may be impaired only for the protection of public health and safety? No, for they always also make a reservation for the vague interest designated as public welfare. Do they concede to the state the right to interfere on behalf of economically inferior classes? There is as yet no clear doctrine to that effect. After all the courts offer us nothing more definite

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than the idea of reasonableness, a criterion which lacks both precision and objectiveness. What should we say to a similar criterion in the law of property? A family settlement has been said to be much like an act of parliament, and, not unlike public legislation, it impairs the freedom of property. The courts have therefore established a rule against perpetuities. In an early leading case,[2] Lord Chancellor Nottingham, who had sustained a settlement which made property inalienable for a number of lives in being, was asked to indicate the bounds of a lawful limitation: what time? where are the bounds of that contingency? where will you stop if you do not stop here? "I will tell you," he said, "where I will stop: I will stop wherever any visible inconvenience doth appear." It took the courts one hundred and fifty years to define this visible inconvenience with precision; before that time they operated with the principle of reasonableness, thereafter they discarded it, and placed the law upon a certain footing. The criterion of reasonableness may be the only one available; but if so, it means that adequate scientific or conventional tests have not yet been developed. To oppose legislative discretion by undefined judicial standards of reasonableness is to oppose legislative by judicial discretion, and constitutional doctrines so vaguely formulated cannot be expected to command confidence.

Apart from this, the question will remain whether the extent of legislative power over personal and property rights not covered by specific constitutional guaranties is a legal or a political issue. The prevailing doctrine of constitutional law treats the issue as a legal one and thus assigns its determination to judicial authority; but if it is in its nature political, the purely judicial attitude of mind brought to the task must constitute a limitation and a handicap rather than a superior qualification. It is therefore worth while to examine the relation of law to individual rights from a broader point of view than precedent

[2] Duke of Norfolk's case, 3 Chancery Cases 1, 1682.

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and implication from abstract formulas, and to see whether a survey of historic changes will not give a fairer basis for estimating the legitimacy of statutory policies. The result of the examination should enable us to estimate the factors by the aid of which a system of constructive principles of legislation may be built up.

The main phases of evolution which are summarized in the catalogue of changes which follows are perfectly familiar; they are restated simply in order to bring out pointedly the drift of modern legislative thought and its significance.

They arrange themselves naturally under a few principal heads: the recognition of the right of personality; the establishment of freedom of thought; the repression of unthrift and dissipation; the protection of public health and safety; and the relief from social injustice.

1. *The right of personality.*

It is a commonplace of legal history that the importance of status as something differentiated from personality diminishes as we proceed from primitive to modern law. We have almost attained to a wiping out of personal differences in relation to legal rights; but the leveling process is in many respects quite recent, and, so far as it goes, has in the main been fully accomplished only in the course of the nineteenth century.

Let us briefly review the principal phases in the establishment of free and equal personal status.

(a) The abrogation of personal slavery and serfdom.

These have practically disappeared from the face of the civilized earth. By the beginning of the nineteenth century all personal unfreedom had ceased to exist in western Europe, and Russian serfdom was abolished from 1861 to 1864. About contemporaneous was the fall of negro slavery in the United States, which was made legally perfect by the Thirteenth Amendment, proclaimed in December, 1865; the emancipation of negro slaves held by whites had begun in 1833 in the British colonies, and was completed by the

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act of Brazil in 1888. European powers still tolerate customary forms of domestic slavery within their spheres of influence in Africa; but even here the slave trade is suppressed by the Brussels convention of 1890.

(b) The disappearance of legal class distinctions.

If we ignore the anomalous and rapidly waning status of our own tribal Indians as wards of the nation, Russia alone of the Western nations continues to divide her people into classes having different legal capacity (nobility, clergy, citizens, peasants, besides Asiatics and Jews). France did away with class disabilities as a result of the great Revolution in 1789, while in Germany the last traces of peasants' disabilities did not disappear until 1867. Blackstone gives in his Commentaries a list of classes of the community which (barring the political privileges of the peerage) impresses us as formal and practically insignificant; it has indeed been one of the chief merits of the common law that for many centuries past it has been singularly free of class distinctions. This rule of equality was inherited by the American law. Because the principle of equality had never been a great issue in the constitutional history of the English people, it received only a perfunctory recognition in the early bills of rights; its deliberate and distinct formulation by the Fourteenth Amendment was due to the race conflict of the South and came only after the Civil War. The practical acceptance of the principle thus long preceded its formal declaration. The principle encounters difficulty only in its application to the colored race; and in the legal enforcement of reciprocal discrimination and segregation in marriage, in education, and in transportation in public conveyances (quite recently also in residence) denies the principle in substance, while claiming to respect it.[3] The demand for legal penalties shows that the social sanction is not believed to be sufficiently strong to maintain a separation strongly supported by the sentiment of the dominant class.

[3] Freund, *Police Power*, Sec. 691–700.

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Apart from this anomaly, however, in the modern world the accident of birth as a member of a social class neither carries privilege nor entails disability in the capacity to acquire or hold legal rights.

(c) The recognition of the legal rights of aliens.

In the ancient Roman law alien and enemy were alike, covered by the same term—hostis—and entirely without legal rights. To-day by comity or treaty the alien enjoys practically the same civil capacity as the citizen. The common law attaches to alienage certain disabilities in the matter of land tenure which have not been everywhere or altogether removed by legislation and which in some instances have been added to, particularly with reference to non-resident aliens. By an anomaly of our constitutional law this matter is in America still under state control,[1] subject to the supremacy of treaty stipulations. It is noteworthy that the guaranties of the Fourteenth Amendment apply to all persons within the jurisdiction of the states, and not merely to citizens.

The important right of immigration and settlement is not necessarily included in the civil capacity of the alien. In many countries the matter is not of sufficient importance to have called for special regulation, but where immigration assumes considerable dimensions, the right has been qualified by restrictive legislation. Our own legislation is typical in that respect. In the absolute exclusion of Chinese laborers disabilities of race, class, and alienage are combined, and this legislation serves as a warning that the modern principle of equality is by no means of absolute operation.

(d) The emancipation from domestic subjection.

The law of ancient Rome and the law of modern Japan are typical of legal systems in which members of the household are subjected to the dominion of the male head and individually of imperfect legal capacity. In Rome the wife became in course of time relieved from this subjection, and in the case of the child it survived mainly as a formal rule of law, practically nullified by important modifica-

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tions and exceptions. The continental nations which received the Roman law repudiated this entire branch, and related institutions of their own (mundium) gradually died off. In the modern civil law the wife is an inferior partner, but still a partner, in the marital community.

The common law of England practically reproduced for the wife the dependent status which the older Roman law assigned to all the members of the family except the head. It even aggravated the dependency by denying to the wife the capacity to perform disposing or binding acts (coverture; feme covert). It is significant that the old law of serfdom furnished to English lawyers analogies for the relation of husband and wife. The courts of equity managed, however, to give to the married woman a very considerable protection in the enjoyment of her property.

The law of coverture was taken over by the American states, together with such practical modifications as the system of equity jurisprudence had developed in England.

Legislative reform began about 1840, and in the beginning did little more than adopt and enact into statute law the doctrine of the courts of equity. Gradually it made the wife entirely independent of the husband. In this legislation England followed America, beginning her reform in 1870. In America the course of legislation extended over a very long period; Tennessee, as the last state, did not abandon the system of coverture until 1913. In those states which have on the whole adopted the continental system of marital community of property rights, the peculiar disabilities of coverture are likewise unknown.

It should be remembered that the coverture applied only to women living in marriage; that in other words, the common law recognized no sex disability in the matter of civil rights.

In considering domestic subjection, it is also necessary to refer to the status of the child, that is, the infant child, for parent and adult child are in law, except for purposes of inheritance, practically altogether strangers to each other.

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As a holder of property, the infant child occupies a position of peculiar independence in the common law, for the father has neither usufruct nor guardianship (except the "socage" guardianship with regard to land which terminates when the infant attains fourteen[4]); on the other hand, the father is entitled to the earnings of the child, and to this absolute right to the earnings corresponds no similarly absolute duty to support, for from this the father may relieve himself by emancipating the child and thereby surrendering the rights to earnings.

The personal control of the father over the minor child is at common law almost unlimited; even an effectual criminal liability probably did not exist except in case of homicide, the policy of the law being very decidedly not to interfere with the exercise of domestic authority. There was thus a domestic subjection of the severest and most unqualified kind. This has been broken in upon only by very modern legislation, beginning with the criminal punishment of cruelty, and more recently establishing a system of public care of juvenile dependents. The development of this phase of law, which may be said to have started with the Illinois law of 1899, is in its very beginning and the rights of the parent will undoubtedly more and more assume the character of a trust.

This completes the series of legal changes through which personal status has gone. Liberty and equality have received practically universal recognition, but this has come only in the nineteenth century. Race alone remains a sinister distinction which the law has not fully overcome, and which in some respects it even tends to emphasize, owing to the greater menace of foreign race invasion in modern times. The disability of the child, a transitory status, must of course remain, but the emancipation from the abuse of domestic power constitutes perhaps the most marked triumph of the right of human personality.

[4] The father was formerly regarded as the guardian of the child's personal property; see Blackstone I, 461, and the act of 1670 which gave him the right to appoint a guardian for the child by deed or will.

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2. *Freedom of thought.*

All American bills of rights give prominent places to religious liberty and the freedom of the press. The guaranties incorporate both the achievements and aims of constitutional struggles, and philosophical theories of natural right. They represent political ideas directly contrary to the maxims of earlier state craft. Until far into the seventeenth century it had been a commonplace of public policy that the safety of the state demands the control of opinion. The view that religious dissent was a factor of political disintegration found expression in the English Conformity acts (reign of Elizabeth), in the maxim accepted in the peace of Westphalia (1648); "*cuius regio, eius religio*," and in the revocation of the French Edict of Nantes (1685). Though the American colonists had sought refuge from religious oppression, Rhode Island alone of all colonies proclaimed the principle of toleration. To the present day Russia regards heterodoxy as inimical to her national unity. With these historic facts in view we can better appreciate the step in advance which religious liberty represents, and yet in the course of the nineteenth century toleration, if not religious equality, has been established all over the civilized world, and belief and worship are nowhere any longer the subjects of penal repression.

As regards the press, Blackstone tells us that the art of printing, soon after its introduction was looked upon in England as well as in other countries as "merely a matter of state."[5] Its control was part of the freely conceded jurisdiction of the Star Chamber. After the fall of the latter, its control simply passed to Parliament, which exercised it on similar principles. The essence of this control was that nothing was to be printed without previous license, and by the removal of this requirement in 1694 the liberty of the press was supposed to be established. In the course of the eighteenth century, however, a further struggle took place for greater freedom from responsibility,

[5] Commentaries IV, 152 note.

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which resulted in the liberalization of the law of libel. Our bills of rights reflect this stage of development: they guarantee impunity for true matter published, but only if published with good motives. Here most of our constitutional guaranties stop: but the practice of the nineteenth century has proceeded far beyond this, and now, generally speaking, not only is truth an absolute justification, but the defence of privilege is recognized to the widest extent in every kind and form of public criticism.[6] The free expression of opinion on political subjects is guarded with possibly even greater jealousy than the freedom of art, literature and science, and of social thought and agitation.

In view of the wide toleration of freedom of political agitation which public opinion demands, the law of sedition even where not formally abrogated has lost much of its practical importance; when, in 1886, in England in consequence of strong public labor demonstrations, prosecutions were instituted against prominent leaders, the instructions as to the constituent elements of sedition were so qualified that the jury could do hardly otherwise than render a verdict of not guilty. (Reg. *v.* Burns, 16 Cox 355; Reg. *v.* Cunningham, 16 Cox 420; Russell on Crimes I, 557–565.) The law is equally obscure in America, where, as in England, the conditions under which government has been carried on for the last hundred years have rendered political repression unnecessary or inexpedient.

We have here a complete reversal of the public policies of former times, which yet had a show of plausibility in their favor; the experience of a great war shows how effectually after all, for a time at least, public opinion can be controlled by authority, and how much the action of the state in a certain direction can be strengthened thereby. That immediate political advantage is so readily sacrificed to the conviction that free expression of opinion is in the long run more wholesome to the constitution of the body politic, is one of the most remarkable achievements of

[6] See Schofield, *Freedom of the Press in the U. S.*; Publications Amer. Sociol. Society, Vol. 9, p. 67.

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democracy and of education in public affairs. That the achievement is not altogether safe from attack and impairment is shown by the public attitude toward anarchistic agitation, as evidenced by the shortlived red flag law of Massachusetts, an attitude comparable to that of those of our state constitutions which temper their toleration of religious dissent by creating certain disabilities for atheists.

The establishment of the right of personality and of freedom of personality and of freedom of thought are accomplished in the main by the removal of legal and other restraints, and the positive function of legislation is relatively slight; the advances in the protection of human interests which follow involve, on the other hand, a constant enlargement of the field of legislative activity and control.

3. *The repression of unthrift and dissipation.*

Certain phases of this legislative policy are old or even antiquated; thus the formerly prevailing type of sumptuary legislation has disappeared. On the whole, however, the activity of the state against the three great forms of unthrift: gambling, drink and vice, has gained in incisiveness and extent, and its greatest development has taken place in the American democracy.

The relation of the state and the law to moral ideals is complex and peculiar. The main motive power of every political organization is self preservation which produces the type of the state best fitted for the maintenance of communal integrity. After some type has once successfully established itself and led to the predominance of one element of the body politic, the instinct for self-preservation again makes the interest of that element the ruling factor of state policy. Morality as represented in law thus becomes subordinate to and an instrument of the established order of things; and in all communities it tends to be identified with authority, the family, and property. The

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canons of justice and equity presuppose respect for these institutions, and purely ethical standards of conduct lie outside of the range of civil obligations.

In European systems of polity the place of morality was further determined by the position and the claims of the church. The Christian religion was based on ethical ideals; ethical thought and ethical aspiration were in consequence entirely dominated by religion, and the state considered that the preservation of public morals was not a secular function but belonged to the church.

The common forms of moral laxity and dissipation were thus regarded as sins to be visited by spiritual penalties, and almost the entire law of sex relations, including marriage, fell in England to the province of ecclesiastical jurisdiction, and the marriage law has to the present day not been entirely secularized. It is also to be noted that non-forcible injuries were only gradually drawn within the cognizance of the King's courts; defamation (which was first an ecclesiastical offense) not until the seventeenth century, while fraud became a tort only toward the end of the eighteenth century.

It was only after the reformation and the attendant relaxation of church discipline that evil practices not directly invading others persons' rights or public authority were drawn within the range of legislative policy; the first attempts to repress gambling and prostitution date from the reign of Henry VIII, and from the reign of Edward VI on the liquor trade is subjected to the régime of the licensing system.

The attitude of the English law (and that of continental countries is similar) toward gambling, drink and vice has remained tolerably fixed for centuries; the liquor business has been the subject of constant restrictive regulation, while gambling and vice were placed beyond the pale of legal protection, but otherwise tolerated as long as outwardly disorderly practices were avoided; an attitude of indulgence toward the common human weaknesses became part of the established order of things.

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It is interesting to observe how with the advance of democracy the legislative policy toward these evils becomes gradually more aggressive. The mass of the people struggling for material prosperity prize the "middle class" virtues of habits of industry and domestic regularity, and they seek to impress their ideals upon the legislation which they control. Thus liquor becomes a conspicuous issue in politics; absolute prohibition, a radical interference with personal liberty, is first introduced as a legislative policy; the same policy is applied to gambling and particularly to lotteries, previously used freely as a means of raising funds for public purposes, and in many states the prohibition is made part of the fundamental law; and for the first time a determined crusade is instituted to suppress prostitution.

The standards of this "morals" legislation are perhaps all the more advanced, as the standards of enforcement are not equally high. This may be due to our peculiar governmental organization which divorces legislative power entirely from administrative responsibility. The formal declaration of policies is insisted upon irrespective of whether they can be carried out faithfully or even with tolerable success; indeed the advanced policy is sometimes consented to only upon the tacit understanding that in actual administration it will be somewhat relaxed. The result is inevitably a certain demoralization of governmental standards, but the system makes possible an insistence upon high abstract moral ideas, which in other countries is deemed impracticable, and which all the time operates as an educative influence.[7] Even with its imper-

[7] Note: Under the German ideal of scrupulously correct statutes strictly enforced, legislation is likewise an educating influence, but of a different type; it is not meant to represent an ideal to be ultimately attained, but a practical norm of conduct; just and fixed rules, the most powerful and insistent expression of the social conscience, are to operate as a sort of secular catechism, and the sense of formulated boundaries is relied upon to check the impulses of unsettled character;—an education that consists in the subordination of individual tendencies to general standards. This point of view is admirably developed in a recent German treatise. (F. W. Foerster, *Schuld und Suehne*, 1911.)

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fect operation, however, this phase of legislative policy carries with it encroachments upon personal liberty which would not have been ventured upon by less democratic systems of government.

4. *The protection of public health and safety.*

The large amount of health and safety legislation which fills modern statute books represents less a change of legislative policy than a change of conditions that had to be met by an extension of state control. In principle the exercise of public power for the protection of life and limb is old established, but prior to the nineteenth century there was relatively little occasion for its practical application. The nineteenth century brought two conditions which revolutionized the need for public control: the pressing of newly invented mechanical forces into the service of industry, and the progress of science in discovering the causes of disease and their remedies. The imperative necessity of developing economic resources retarded adequate protection against mechanical dangers until it was possible to combine safety with the effective carrying on of industry; the former had to yield to the latter; this is well illustrated by the history of the mining legislation.[8] Sanitary legislation encountered resistance on the part of personal and property rights as well as of business interests by reason of the widespread skepticism regarding the reality of the alleged dangers or the efficacy of the proposed remedies, but the English law of 1848 and the New York law of 1857 firmly established the principle of an elastic administrative control, and the recent American so-called eugenics legislation indicates the long distance that we have traveled in the direction of state interference with private affairs. Living under free institutions we submit to public regulation and control in ways that would appear inconceivable to the spirit of Oriental despotism; it is well known what deep-seated repugnance and resistance of the native population to the invasion of their domestic privacy and personal

[8] R. G. Galloway, *History of Coal Mining in Great Britain*, 1882.

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habits English health officers in India have to overcome in order to enforce the sanitary measures necessary to prevent the spread of infectious or contagious disease. Oriental systems of polity act more powerfully upon the habits of individual life than modern governments do; the primal need of the community for the perpetuation of its own existence through marriage and offspring is more effectually secured in India and China than in Western Europe; but the sanction is custom and not law; and in the same way the sanitary régime of the Old Testament seems to have been enforced by spiritual threats and not by secular penalties. Modern policy makes legislative compulsion co-extensive with the reciprocal dependance of men upon each other's standards of conduct for the preservation of the health and safety of all, and with the progress of invention and of science there seems to be hardly any limit to that independence. Our modern sanitary laws are laws in the real sense of the term enforced by the power of the state. As such they represent, if not a new policy, yet a new legislative activity and function.

5. *The growth of social legislation.*

The development of phases of legislative policy thus far traced shows two main tendencies: the steady growth in the value placed upon individual human personality, and the shifting of the idea of the public good from the security of the state and established order to the welfare of the mass of the people. The growth of social legislation combines those two tendencies. By the term social legislation we understand those measures which are intended for the relief and elevation of the less favored classes of the community; it would thus be held to include factory laws, but hardly legislation for the safety of passengers on railroads.

The lower classes (as the term was formerly commonly used) became the object of special legislation in England after the great plague; but the policy of this early legislation was repression and not relief. The first great systematic relief measure was the English Poor Law of 1601

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(43 Elizabeth, c. 2); it is worth noting that the principle of taxation by state authority for the relief of the poor was not introduced into France until three hundred years later, in 1908, as a result of the separation of church and state. In the beginning of the nineteenth century, England inaugurated a new phase of social legislation by her child labor law of 1802, followed by a series of other factory laws.

Yet until about twenty years ago the term social legislation was generally unfamiliar and conveyed little meaning even to students of reform movements. The word came from Germany, and there originated about the beginning of the eighties. More particularly the new term social legislation was associated with the workmen's insurance measures announced by the message of November 17, 1881, submitted by the German Emperor to the Reichstag, which provided relief in form of pensions for sickness (1883), accident (1884) and invalidity and old age (1889).

The purpose of these measures as proclaimed by the imperial message was to counteract social democratic agitation, and to supplement the repressive law of 1878 by positive and constructive state action. Other European countries gradually enacted similar legislation; in England compensation for industrial accident was introduced in 1897, old age pensions in 1908, and insurance against sickness and unemployment in 1912. The American states have so far approached only the problem of compensation for industrial accident; since 1910 about three-fourths of the states have enacted measures of that kind.

What was the special feature of this new legislation that marked it as a new departure in legislative policy? It was that relief changed its character. Poor relief had been a matter apart from industry; it had stigmatized the recipient and placed him under disabilities; the policy of the English poor law reform of 1834 had been to make it in addition distasteful and repellent (indoor relief). The new pension or compensation system carried no stigma or disability, and by its conditions or terms rather seemed to be in the nature of the discharge of a debt that the com-

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munity owed to its members, a deferred payment for previous inadequately rewarded services or a compensation for some kind of injustice suffered. It realized the idea of a "respectable provision unattended with degradation" first put forward in 1837 (Rose, *Rise of Democracy*, p. 100), and again advocated in the Minority Report on poor law reform under the name of an "honorable and universal provision." In Germany the entire legislation moreover incorporated important features of insurance. The recipient of pensions or other allowances upon an insurance basis takes them, morally as well as legally, as a matter of right, and would be beholden to the community merely for setting the plan in operation and administering it. Every contribution from the employer or from the community alters the nature of the allowance, and the tendency in England and America has been to relieve the beneficiary from any contribution, and to throw the entire burden upon either the community (old age pensions) or upon the employer (workmen's compensation). However free from stigma, the provision is thus yet in the nature of relief.

In Europe relief legislation of the advanced type is at present as firmly established as sanitary or safety legislation, the defects of which it in part supplies, while America is only just beginning to develop that part of the system which connects most closely with the remedial methods of the common law.

Even in Europe a sharp line is still drawn between relief, and the larger policy of using the power of the state to alter the economic terms of the labor contract. An entire readjustment or reconstruction of the economic relation between the classes, is not as yet, generally speaking, considered as part of a practical legislative program.

Not so very long ago this larger program would have been sufficiently condemned by being characterized as socialistic, and even at the present time there is an instinctive perception that the most liberal policy of relief is in principle still very far removed from an attempt to control economic relations under normal conditions.

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We are however quite accustomed to one form of relief, which is really undistinguishable from social reconstruction, and that is the legislation dealing with children. It is well to remember that factory laws began everywhere with the regulation of child labor, and that that regulation always went hand in hand with efforts to secure to the child some measure of education and instruction. And with regard to education, the American states, at a period when they represented the most individualistic type of political and economic organization, pursued a progressively socialistic policy, shifting more and more the financial burden of education from the family to the community. While the existence of universal suffrage has given to this form of communism a political justification, the present movement for vocational instruction is significant in frankly abandoning this basis and embarking upon schemes of economic reconstruction, the consequence of which can hardly be foreseen.

As factory legislation in England began with the regulation of the employment of children, so it advanced further along the line of less resistance by restricting the hours of labor of women. When the bill which resulted in the act of 1844 was agitated, the men desired the like reduction for themselves, but were satisfied that the legislation should be confined to women in the hope, which events justified, that the legal reduction of women's work would accomplish without legislation the same purpose for men.[9] The act of 1844 had been preceded by a report calling attention to the special physical considerations which made the restriction desirable for female employees.[10] Whether exclusively on this ground or not, the state from now on extended its guardianship in the matter of industrial labor over both women and young persons. A similar development took place in Germany where a maximum work day for women in factories was established in 1892.

In the United States the regulation of women's hours of

[9] Hutchins and Harrison, *History of Factory Legislation*, p. 186.
[10] *Ibid.*, p. 84.

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labor has furnished the main battleground for conflicting theories of constitutional right and power. The course of decisions proved on the whole favorable to state control. Of the two adverse holdings, that of Illinois, rendered in 1895,[11] was greatly weakened if not nullified in 1910,[12] that of New York, relating to night work (1907), directly overruled in 1915.[13] There has however been considerable inclination to support this legislation on the stricter theories of the police power. A vast array of material was presented to the Supreme Court to prove the detrimental effect of prolonged industrial work upon the female organism, and not only the prohibition of night labor, but also minimum wage laws have been sought to be connected with the protection of morals. It is therefore significant that in the Oregon case (208 U. S. 412) Justice Brewer referred to female peculiarities of disposition and habits of life which remove her from equality of competition and justify special protection to secure her a real equality of rights (p. 422).

As legislation for women advances from the ten hour day to the Saturday half-holiday, to the eight hour day (established for the District of Columbia in 1915), to the total prohibition of night work, and to the regulation of wages, the narrow foundation of the old established grounds of the police power will become more and more untenable, and courts will be forced to recognize in such laws measures of social and economic advancement, and not merely measures for the protection of health or morals. It will then become necessary to scrutinize the ground of differentiation between men and women, and particularly to examine whether such differentiation implies inferiority, as the words used by Justice Brewer may seem to indicate. At a time when women are demanding equal political rights, it does seem incongruous to insist unduly upon

[11] Ritchie *v.* People, 155 Ill. 98.

[12] Ritchie *v.* Wayman, 244 Ill. 509.

[13] People *v.* Williams, 189 N. Y. 131, People *v.* Charles Schweinler Press, 214 N. Y. 395.

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infirmities inherent in sex, and it will be fairer to support legislative discrimination for their protection by arguments not derogatory to other claims. Such arguments can well be brought forward without specious pleading.

Both from an economic and from the historical point of view the status of women is constitutionally different from that of men: economically, because the temporary and adventitious character of women's industrial work, due to the effect of marriage upon their industrial status, handicaps their capacity for combination and hence their capacity for efficient selfhelp, and further because the state has a distinct interest in conserving part of a woman's time and strength to enable her more adequately to perform her non-industrial functions, her duties to the home and the family, and to render her indispensable aid in the furtherance of the state's child welfare policies;—historically, because centuries of economic dependence and the universal conventional discouragement of habits of self-assertion necessarily removed women from those ideals of individualism which were in America supposed to have crystallized into constitutional rights and limitations upon the legislative power; it is true that these conventions with regard to women have partly been altered; but coincident with their advance toward greater independence has been a general modification of the ideals of individualism. Nothing could be more characteristic of that coincidence than the fact, that the legislature of Illinois, on March 22, 1872, passed an act declaring that sex should not be a bar to any occupation or employment, and five days thereafter, on March 27, 1872, passed another act forbidding the employment of women in mines,—enactments opposed to each other upon a mechanical view of liberty, and yet quite harmonious in spirit as making for a larger freedom of women. It is obvious that upon any large view women stand on a different footing from men as regards the exercise of legislative protection. In all European countries and by the international conventions regarding industrial labor this has been recognized. It follows that a very much further

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reaching control over women than we have at present would leave unprejudiced the problem of legislative policy with reference to adult men.

Germany, whose program of social legislation has been more systematic and comprehensive than that of any other country, has yet so far firmly adhered to the principle of non-interference of the state in the terms of the wage contract between employer and adult male employee except for the purpose of preventing abuses in methods of payment (truck acts). Reduced hours of labor and increased pay are left to free bargaining between the parties. France has been, if possible, even more individualistic than Germany in this respect. Until recently English legislation pursued the same policy, but departed from it in establishing the eight hour day for coal mines in 1908 (distinctly not a sanitary measure) and in applying the trade board system for fixing minimum wages in sweated trades to men as well as women, and enacting a similar wage act for coal miners (Acts of 1909 and 1912), while constitutional scruples have confined similar legislation in America to women. England has indeed entered upon a deliberate policy of economic reconstruction in an entirely distinct field of legislation, that of land tenure, and has undertaken to alter fundamentally the status of an entire class of the population. The Agrarian legislation for Ireland culminating in the measures of 1881 and 1897, dictated by political considerations, was in 1912 upon purely economic grounds applied to Scotland, and the extension of a similar system to England will perhaps be hastened by the necessity of making the national food supply less dependent upon foreign imports.

Here is legislation of a purely socialistic type showing the liability of even apparently most firmly fixed policies to be revolutionized by change of conditions or change of sentiment.

Why should industrial legislation be exempt from like revolutionary change? It is true that the state has thus far departed very little from its attitude of neutrality in the

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struggle between capital and labor. Of the things that labor most desires, naming them in the order of the strength of the desire: chance of employment, security of employment, better remuneration, lessened toil, fairness of methods, safe and sanitary conditions, and relief in distress, it appears that even the most advanced type of European social legislation undertakes to secure less than one half, being the half less prized by labor. If the reason for this is that the conditions for radical improvement are or are believed to be beyond legislative control, or the effectual remedy unknown, legislative inactivity cannot be said to be a matter of deliberate policy of self-imposed limitation, but merely the consequence of imperfect power and knowledge, and advance in legislation would merely wait upon advance in knowledge and efficiency. At any rate the possibility of embarking upon new policies seems to be foreshadowed both by the growing insistence of what is called the new social conscience, and by the fact that the widest possible scope of state control is the avowed demand of a political party which is constantly growing in strength.

If this brief outline has correctly characterized the various aspects of social legislation and the stages in its progress, it is also easier to understand the position of American courts. In their hostile or suspicious attitude toward legislation regulating hours of labor and payment of wages which they regarded as involving merely economic issues, they resisted the beginnings of a novel function of state control, and if they nullified even reasonable and necessary measures, it was perhaps because they were unwilling to concede the first steps in a development, the scope of which they could neither define nor foresee, and the full course of which must justly have appeared to them as revolutionary.

But a larger view of changes and developments than courts are in the habit of taking must also make us extremely skeptical with regard to the fundamental assumption underlying their method of approaching legislation.

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Into the general clauses of the constitutions they have read a purpose of fixing economic policies which, however firmly rooted in habits of thought or structure of society, are by their very nature unfit to be identified with the relatively immutable concept of due process. Where the makers of constitutions did intend to establish policies, they did so in express terms; freedom of speech and press, religious liberty, the favor to the accused in criminal proceedings,—these we find guaranteed in specific clauses; and nothing was guaranteed that had not at some time been a live issue. It was foreign to their minds to foreclose issues that no one could foresee. Due process was a concept centuries old and meant to last for centuries; the idea that it should be subject to amendments, qualifications or exceptions is utterly incongruous.

That the clause should have been seized upon to protect policies which to the courts seemed essential to the social structure they were used to was perhaps not unnatural; but it was certainly an extreme step for the Court of Appeals of New York to identify the constitution with a policy which it recognized as standing in need of a change. In any event the attempt of the courts to check modern social legislation by constitutional principles can be properly estimated only if we recognize in it the exercise of a political, and not a strictly judicial, function.

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LEGISLATIVE ANTAGONISM TO ETHICAL PRINCIPLES.

STEPHEN H. ALLEN.

IN EVERY nation having a well established government and code of laws there is some underlying false doctrine on which the unmerited privileges of the dominant person or class are based, some law or creed conferring power, privilege and eminence without regard to merit. All new legislation is keyed to accord with the basic doctrine and the more vicious the doctrine the less toleration of criticism of it. The autocrat rules under a claim of God-given right, which he supports by priestly teachings, military force and police surveillance. The laws he promulgates are designed to fortify, rather than overthrow, his false claims. They may promote moral improvement among his subjects and just dealings and relations between them, but the false principles of autocracy are adhered to. If the priestly order is looked to as the main support of despotic power, all legislation must be in accord with its religious dogmas and church requirements. In constitutional monarchies having orders of hereditary nobility sharing in the legislative functions, new laws must tend to preserve, not overthrow, the established orders. Self-preservation is the first law of rulers of all kinds. Where slavery exists the slaveholders are always a powerful and usually a dominant element in the state and all legislation must be framed to preserve the power of the masters.

All well established states have land laws which secure to a part of the people dominion over all the land. The landowners dominate in legislative assemblies in inverse proportion to their numbers, the less the whole number of them the greater their power. Except in times of revolution, new legislation is keyed to the fundamental theories which give to the landholders their artificial paper titles

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to the face of the earth. Wealth in every form gives power and prominence to its possessor, but possession ends with life. To extend the rich man's influence the laws of wills, descent and distribution of property give to his donees and descendants his accumulations without regard to need or merit. In the most democratic of countries the landholders and other men of wealth influence, and often dominate, the legislative bodies. New laws relating to land tenure and inheritance must not undermine the existing system on which the privileges of the social leaders are based.

It is axiomatic that human legislators do not make ethical principles. They do marvelously well when they find and apply them to human affairs. In the work of legislative bodies, relatively little attention is paid to the formulation of permanent rules of conduct or right based on conceptions of moral principles governing the subject. By far the greater part of the legislators' work is to devise and formulate expedients, more or less temporary in character, to accomplish some purpose he deems desirable. The government itself, whatever its form and character, is a mere expedient, foredoomed to change and destruction. A legislative expedient may be genuinely public, partial for the special advantage of the legislator himself, his personal friends, his immediate constituents, or a company or class of persons. So great is the number of bills introduced in the legislative body, elected for a state or nation, dealing with such expedients, and so intense is the interest in the measures that promise personal, party, local and class advantage that it is difficult to arouse interest in or obtain consideration of any bill designed to be a permanent guide in the application of ethical principles to human relations. Only in times of excitement and political upheaval do fundamental principles of right and justice gain much consideration and then it is often but one particular question that is considered, disconnected from other vital matters of equal or greater importance.

The relations of nations to each other have been gov-

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erned throughout all ages by views of national expediency entertained by the rulers of the strong ones. The rules that have gained some measure of recognition as international law are a strange combination of those recognizing the right of a nation to commit the major atrocities under the name of war and numerous others designed to mitigate the minor incidents of these atrocities. The fundamental moral law that enjoins love instead of hate in all the relations of life is ignored. Aggressive wars, instituted to further the ambitions of particular groups of men who for the time dominate the political affairs of the nations, are tolerated as evils naturally, if not necessarily, incident to national life. The minor rules relating to the manner of conducting wars have persuasive rather than compelling force, the observance of them being optional with the wrongdoers themselves. The naivete with which the great nations of Europe brush aside treaty obligations and long accepted principles applicable to the conduct of belligerents toward each other and toward neutrals strikingly illustrates international law's lack of sanction. There is no superior force to compel observance of it. In attempts at justification of their barbarities, warring nations base their acts on claimed national necessity, while the real basis is assumed governmental expediency, which is far, very far, from governmental morality. The task of formulating a code of international law worthy the name has not yet been undertaken, but suggestions have been and are being made in many quarters of the need of it and the fundamental principles on which it should be based. Governmental evolution has not yet passed the stage of international anarchy.

When we test by ethical standards the codes of laws obtaining in each of the nations we find that the taint of personal and class expediency corrupts many most essential parts of them. It is only in very recent times that slavery ceased to have the sanction of law in western nations. Personal status was one of the most important topics in the Roman law down to the time of Justinian

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and so continued till a new form of mastery was established through a theory of land tenure and feudal dependence. This mastery became hardened into serfdom in Russia and softened into the relation of landlord and tenant in the western nations. The law of slavery is law imposed by the masters in which the slaves have no voice. It is based on views of personal interest entertained by the masters, regardless of the rights of the slaves. Our revolutionary ancestors proclaimed liberty as the priceless political right of all men—except the blacks whom they held as slaves. It appeared to them just cause for a desperate war with the mother country that they were taxed by the British Parliament without being accorded representation in it. The rights of their slaves were negligible.

Feudalism was an outgrowth of turbulent times and a semi-savage state of society. Possession of land was the foundation on which it was constructed. Mastery of more or less of it was established by leaders varying in accordance with their mental and physical strength, their cunning and diplomacy. Feudal law was the creation of the leaders, great and small. Those who actually tilled the soil or performed other productive labor had no considerable influence in its making. Such rights as were accorded to them were based on views of expediency entertained by their lords.

In the land laws of the United States we started with the theory of a vague possessory right in the natives,—a right which took no definite form of title in their minds in the white man's sense of the word,—and of ultimate, absolute title in the state. This title had been claimed by the king of England on the ground that some of his subjects had discovered and settled on certain spots along the sea coast. Our ancestors succeeded to this sovereign claim as a result of their successful war for liberty. The king had made grants to private persons of various tracts, the validity of which was generally recognized, and the states or United States sold or gave away the remainder. The grants so made contemplated no reversion to the

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grantor, no feudal services to an overlord, no limitation of time or use. Each grantee became in turn a source of title for all time to come to his part of the earth, independent of all superior authority, save that of the state and nation of which he was an integral part. Under the conditions which have existed in the United States the theories of title to land have accorded well with the customs and sentiments of the people. The public domain, open to settlement by any citizen and acquisition of full title to an ample farm, has appeared to provide for the needs of all in a reasonably satisfactory manner. To get a good farm it has only been necessary to go west and take it. Though great fortunes have been made by speculation in and monopoly of land and passed by inheritance from generation to generation, this right to take public land has been generally regarded as a sufficient answer to all criticisms of our theories of title. Our homestead laws have been highly extolled, but they interpose no serious obstacle to land monopoly. The law protects the homesteader till he gets his patent. He is then free to sell and does sell in a large percentage of instances for less than a reasonable compensation for the time, labor and expense incident to acquiring his title. The homesteader is limited to 160 acres of ordinary farming land, and having used his right and sold his land, can not again resort to the public land for a home. But the buyer may buy without limit, hold as much and as long as he pleases, live on it, cultivate it, or allow it to lie idle as he chooses, and absolutely exclude all other citizens from it except on compliance with whatever terms he sees fit to impose. Homestead exemptions protect against creditors, but not against improvidence or misfortune. Notwithstanding these laws, in 1900 53.5 per cent of all the families in the United States were tenants, without homes of their own, and in the decade following the number was increased 1.3 per cent. What shall be said of the justice or policy of land laws which give absolute dominion over all the land in the settled portions of the country to a steadily decreasing minority, leaving the

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majority without any secure foothold on the earth. Under our laws a tenant has no rights beyond those conferred on him by his landlord. He cannot force a landowner to accept him as such tenant on any terms.

Closely connected with and similar in spirit to the land laws are the laws of wills and inheritance by which the monopolist may perpetuate his monopoly after death. By his will he may designate the future owner, not only of his land, but also of all his other possessions. In the absence of a will the law of succession passes it to one or a few persons holding certain designated relations to him by blood or marriage, without much if any regard to the amount or nature of the property, or the needs, disposition or capacity of the beneficiaries. Public sentiment on the subject of inheritances is based on ordinary family conditions and needs. It appears manifestly just that the home, farm, work-shop, store and business of the deceased father, which were used in providing for the needs of his family during his life, should remain their property after his death. If there were some reasonable approximation to equality in the benefits resulting from wills and the descent of property there would be little ground for complaint of the law, but the rule is most gross inequality. It is easy to see the general tendency of these laws and the dangerous situation that will inevitably result from the concentration of title to all the land in a few hands. Democracy will give away to aristocracy and aristocracy to despotism if similar conditions produce results here similar to those that have been produced by them in numberless other countries where similar theories have obtained.

It is self-evident that a home is a prime necessity of every human family just as a nest is for the birds or a hole for the squirrels. A system of laws that fails to allow a homestead to every family, in spite of all land monopolists, is radically defective. Title without regard to use or occupancy is an invention lacking in moral basis and designed to favor the strong and the crafty. The evils of land monopoly on one hand and homelessness on

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the other flow largely if not wholly from the following false theories on which land laws are based:

1. Perpetual dominion in an owner regardless of the manifest brevity of his life.

2. Ownership of a part of the enduring earth as a right corresponding to ownership of things made or consumed by man.

3. Title as a right superior to and apart from occupancy or use.

4. Inheritance as a gift from the dead instead of a concession from the living.

5. That a mortal may absorb more of the earth than he ultimately gives back to it.

It is only within very recent times and in a few states that any voice has been given to women in governmental affairs, save that in most monarchical countries a woman may inherit a throne on failure of male heirs. The laws show the effects of their exclusion from legislative councils. Laws which allow a husband to chastise his wife, which give the father the custody of the children in preference to the mother who bore them, which allow the husband to dictate as to all matters of domestic policy, which give the husband the use of all the wife's property and restrict her to a small share of the personal and a life use of one third of the real property after his death, which impose burdensome restrictions and expenses on widows left with dependent children in the settlement and use of the estates acquired by their joint effort or owned by the deceased husband and which impose heavier penalties on women for sexual vices than on men, are all unjust, man-made laws. In rearing offspring and perpetuating the race, women bear at least half the burden and some of them the whole of it. That they are entitled to rights equal with those of men is self-evident.

The most cherished American theory of human relations is that of freedom and equality before the law. In making contracts of all kinds each sane adult stands as the equal of every other sane adult. He may make or

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refuse to make any kind of a lawful bargain. But if his necessities are such that he must needs deal with a monopolist for the sale of his services, the rental of a dwelling or the purchase of necessaries, his theoretical equality is a myth. He must accept the monopolist's terms. The policy that requires those who make contracts to guard their own interests without aid from the state seems sound and wholesome and calculated to promote independence and strength of character. The fault of the law lies in its having conferred and preserved the monopoly. There is no freedom of contract unless there is a reasonable approximation to equality of relation to the subject matter of the contract. The disinterested law-maker meets many difficulties in attempting to secure such equality, but there are far greater ones in the way of shielding the weaker members of society from the natural intellectual mastery of the strong and crafty ones. Nature makes leaders and the weak follow and are guided by them. Leadership naturally carries with it personal advantage, unless the leader is an altruist devoted to the welfare of his dependents. In order to apply sound ethics to legislation it is essential that the aspect of the subject from the viewpoint of each party to be affected by it be clearly presented and that the final action be controlled by disinterested persons whose only motive is to do what is right. Even in the most advanced republics legislative bodies are often dominated by the strong and aggressive classes of society.

The autocrat views and decides all questions from a single standpoint, differing radically from that of any of his subjects. The influences surrounding him are usually selfish and misleading. To deny unjust privileges to the strong and aggressive classes often means his own destruction. The educational influences surrounding the heir to a throne magnify the monarch's importance and minimize that of his humble subjects. The moral tone of a body of courtiers cannot be high and is usually very low, because as a class they despise labor and laborers and

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live on unmerited favors granted at the public expense. War and intrigue to add power to the monarch by wronging others in order that he may be able to add to their favors and privileges are looked on as the proper fields for their activities. The very constitution of the court of an autocrat is injustice and immorality. His personal motives and impulses may be good, but his power is based on the vicious system through which he rules. This he cannot change without the aid of organized moral forces among his subjects, which must grow under adverse conditions.

There have been few instances of pure aristocracies, but on the other hand most governments are more or less under the influence, and often the complete domination, of an aristocratic element. This element everywhere is made up of persons who have inherited wealth, rank, or power with the addition of an occasional parvenu whose achievements give him prominence. The aristocrat may be one of the best or worst of men, but whatever his personal character his point of view is that of privilege and favoritism. He may be an altruist and a reformer but his interests and the influence of his class will tend to bias him in favor of the laws that give him his position of advantage. Combinations of aristocratic elements have destroyed democratic institutions in unnumbered instances, and their rule has often been followed by that of a military despot to whom the multitude looked for protection from their oppressions.

Autocracies and constitutional monarchies are not wholly exempt from democratic influences and on the other hand no republic is entirely free from aristocratic influences and tendencies. There is in every country a democratic element seeking to promote justice and also an aristocratic element seeking to advance the privileges of the few at the expense of the many, and to gain wealth and power by unjust uses of legislative, executive and judicial functions. Under monarchical governments the democratic influences are usually far removed from the throne

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while the aristocratic cluster around it. In republics democratic influences do not necessarily dominate. Aristocratic elements are present in all legislative bodies and constantly exert their influence on legislation. The laws of every republic show unmistakable evidences of the successes they have achieved. The sane and wholesome influences that promote the incorporation of ethical principles into legislation come mainly from persons whose incomes arise from useful activities to which they devote their energies. Sane living induces sound morals. The influence of the aristocratic element in every country may generally be relied on to favor the claims of those who seek wealth without labor and privileges without merit, and of those who for small services ask inordinate compensation. Measured by money values the wrongs, injuries and injustices inflicted by criminal violators of the law in any country classed as civilized are insignificant in comparison with those inflicted with the sanction of the law by those on whom it confers unmerited privileges. As between nations war is chaos, but within each nation the power to force citizens to go to their destruction and to strip their families of the necessaries of life for the aggrandizement or glory of the dominant few is exercised by the ruling class under the name of law and rightful authority. The extortions of monopoly in all its manifold forms are enforced and protected by the organized forces of the state in accordance with established laws. The power of taxation, even in the best governed states, is perennially employed to enrich the unworthy at the expense of the multitude. Salaries of officials are increased to correspond with the unearned incomes of the privileged classes without thought of the needs and rights of those who bear the burdens. The bond of sympathy between those who enjoy unmerited advantages seems generally stronger than that between the sufferers. The few with wealth and education can combine for their mutual advantage far more readily than can the great multitude of the poor, ignorant and dependent. The horrible conditions existing

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in Mexico are due, in part at least, to the wrongs inflicted by the governing classes on the multitude through forms of laws made by themselves in their own interests. The war in Europe, which for the time stands as a negation of Christianity and civilization, results from the statecraft of rulers seeking personal, political and national advantage at the expense of humanity. The immorality inherent in military governments and an international code which permits war are producing their legitimate fruits.

No complete cure for unjust legislation need be expected, but it is not too early to demand that the legislative bodies of America apply moral tests, not merely to the incidents of their acts but also to the basic principles underlying them. Education must attend general and permanent advancement, but there are many notable instances of the perversion of otherwise admirable educational systems to further aristocratic and despotic ambitions. The castes of India are the products of religious teachings through which the system has been propagated for thousands of years. Mohammedan despotisms draw their support from the teachings of the Koran as inculcated by the political and religious hierarchy. The Czar's hold on the mujiks of his vast empire is largely due to his religious relation to them as head of the Greek Church and the teachings of the priests he appoints. The otherwise excellent educational system of Germany has diligently instilled the poison inherent in militarism into the minds of each rising generation until it has permeated the whole body politic and now feeds the roaring furnaces of war with the strongest and best of its manhood.

The only possible cure for these and similar evils is the subjugation of rulers to law and of law to morality.

STEPHEN H. ALLEN.

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"MAGNA LATROCINIA."—THE STATE AS IT OUGHT TO BE, AND AS IT IS.

L. S. WOOLF.

A BOOK has to reach a considerable pitch of excellence before one can say one is disappointed in it: for the number of books are as few as the number of people who raise one's expectations on first occasion of meeting with them. It is a high compliment therefore to Mr. C. Delisle Burns that he leaves us on the last page of his book, the *Morality of Nations*, with a distinct feeling of disappointment. He approaches the science of politics with so fresh and individual an outlook, with such determination to break through the thick and ancient cobwebs which obscure the science, that one cannot but regret that he has not worked out his ideas a little bit further and produced a work which would have probably gained in substance what it lost in readableness. Nevertheless his book is of very great value and affords far safer and more valuable groundwork for the necessary revision of our effete political theory than for instance Mr. Bosanquet's philosophical *Theory of the State.*

Political science, certainly since Hobbes, has suffered because distinguished philosophers neglect to avoid a mistake peculiarly noticeable in small children. They fail to distinguish what has existed from what exists, and both from what they would like to exist. The first duty of a writer upon the State is to determine what State he is talking about, the State as it existed in the time of Aristotle, the State as it exists to-day, or the State which might exist if we could "shatter it to bits and then remould it nearer to our heart's desire." Theorists whose tastes and philosophies lead them to desire that the State should embody the general will end by arguing that the existing despotic and oligarchic States of Europe actually do embody the general will. The Utilitarian who yearns for

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"the greatest happiness of the greatest number," saves himself from suicidal pessimism by finding his desires actually consummated in existing organisms which have proved the most effective instruments for sacrificing the happiness of a million for the pleasure of ten. The German who desires to see in the State the spirit of God visibly moving upon the waters of the phenomenal world, gravely assures us that the spirit is now operating through a German Emperor and a succession of Imperial Chancellors.

These are examples of confusing what might be with what is: but the confusion is considerably more confounded by the same theorists refusing to realise that what was no longer is. As Mr. Burns points out, the old answers to the question "What is a State?" are quite inadequate to explain the phenomena of to-day, because the European State of the twentieth century *is* a completely different thing from the Greek, the mediæval, the Renaissance, or even the nineteenth century State. It is worth while considering this question with some care, because unless one understands exactly what it is that one is talking or thinking about, theory and practice alike go hopelessly astray. The State, whatever else it may be, certainly is and always has been an organisation, and a political organisation, of human beings. (Mr. Burns calls it "the sovereign organisation for the attainment of political common good," but I am not for the moment concerned with the full and accurate definition of "a State," and I shall have something to say later about the qualities indicated in the words "sovereign" and "for the attainment of political common good.") Now as the motives, desires, ideals, beliefs of society change from century to century, so do human organisations, through which those desires, ideals, etc., act, change their form. For instance in the society of which Euripides, Agathon, Aristophanes, and Socrates were members, literature, art, and music were in men's beliefs a far more important part of politics than sewers and drainage. In the communal political mind of the twentieth century drains have taken the place of

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tragedy, and music has yielded to sewers. The Greek in fact considered that music was a part of politics, and the Greek State was actually an organisation for supplying the musical needs of the Greeks, and Aristotle on "politics" discusses, as Mr. Burns remarks, flute-playing. But no member of Parliament to-day believes that the State is an organisation for supplying the musical needs of Englishmen. It is true that he would certainly hold that the children of the working-classes should be compelled to sing "Rule Britannia" and other patriotic songs several times a week in the State schools, but this example itself shows admirably the difference between the Greek State and the Greek's conception of it from our own. When Plato talks of the State teaching music, he is thinking of the music as music and the State as an organisation for supplying musical education and needs: but the M. P. would think it ridiculous for the State to teach a factory girl to play the piano, and his only object is to instil patriotism into the mind of the worker, *i.e.* an implicit belief that Britain does and must rule the waves.

The function of the Athenian State was therefore not only conceived to be different from what we in twentieth century England conceive to be the function of our State, it actually was different. As regards music the Athenian organisation included among its functions those which we entrust not to the State, but to other organisations like the Church of England, or academies of music, or which we leave to private persons who sell music or their services as musicians to the public. But this is only one example of the change in function of this political organisation. The State, as an organisation, has both lost and gained a large number of different functions even since Hobbes, and solemnly to discuss whether the functions of that primitive leviathan are the same as those of the German State of the Great War is no more sensible than would be a discussion of whether the functions of the chimpanzee are the same as those of a cabinet minister. In the eighteenth century it would have been absurd to define the

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State as an organisation of which one of the most important functions was economic, *i.e.*, to supply the community with certain commodities and services—but the definition is not absurd when applied to many modern States.

The question "What is a State" must therefore be carefully distinguished from both the questions "What was a State?" and "What ought a State to be?" I propose, making considerable use of Mr. Burns's admirable book, briefly to consider this question together with some of the consequences which the answer implies. Everyone would at least agree that the State as it exists to-day in the greater part of Europe and America is a highly complex political organisation performing a large number of functions. As an organisation it is only one of many organisations, some political, some social, some religious, some economic, etc. Among political organisations it may be distinguished, as it is in Mr. Burns's definition, by the term "sovereign" or "highest," but it should be observed that the term is defined as meaning that the State is "only highest of all institutions (of the same group) which are of the same political order." It does not follow that it is sovereign, or at least need be or should be sovereign, over institutions which exist for other purposes. And it is of the utmost importance to insist upon the fact that the modern State is only one among a great number of political and other organisations. In this it differs fundamentally from the form of State which was moribund in 1790 and was dead and buried before 1850. The outstanding feature of life in the last hundred years has been its sudden growth of complexity and elaboration. To meet this need and desire for complexity a vast number of different organisations have come into existence, for organisations are not the perverse invention of socialists and other cranks, but are the spontaneous creation of the "average man" to meet his desire of living and dying socially in a particular fashion. Before the nineteenth century the great majority of people, still living the simplest of simple lives, never felt the need of more than one or two organisations. The ordinary

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Athenian never came in contact with any organisation other than the State, and the ordinary Englishman of Hobbes's time lived and died solely as a citizen of the State and a son of the Church. To-day few people could tell you offhand the number of organisations of which they are members. The Church, the Political Party, the Trade Union, the Federation, the Syndicate, the Profession, the Joint Stock Company, the Incorporated Society, the Trust, the Learned Society, the International Society, the Club, etc., all dispute with the State the task of organising the activities of the citizen.

The State then is an organisation performing many different functions some of which are the same but others not the same as those performed by the organisations called States in 400 B.C. and other periods of the world's history. And the most important question which you can ask about an organisation is how efficiently or inefficiently does it perform its functions. The curious thing is that the question is continually being asked about other organisations, but very rarely about the State. Everyone realises that the main question concerning a Church is how it performs the function of providing for the religious needs of its members. The first thing we ask about a Trade Union is: "Does it efficiently perform the function of maintaining or raising the standard of the worker's conditions of work?" But it is exceedingly rare to find anyone attempting to judge the State *qua* State, simply from the point of view of the efficiency with which it performs the functions which it actually is performing. And yet, as we can see from Mr. Burns's definition, the only way in which you can distinguish one organisation from another, or in other words define it, is by defining the functions which it performs.

Political science must ask at least three questions and keep them distinct: "What are the functions which a State performs and which distinguish it from other organisations?" "How efficiently does it perform them?" "What ought the functions of a State to be?" It will be observed

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that the first and third questions are entirely distinct, yet they are continually being confused by political theorists. They are confused for example in Mr. Burns's definition. Mr. Burns asks the question, "What is a State?" and he answers "an organisation for the attainment of political common good." But if that means "an organisation whose function is the attainment of the common good," one of two things clearly follow: either no State exists at the present moment, or the State as an organisation performs its function so inefficiently that the sooner it is universally blotted off the face of the earth, the better. Every existing State actually performs as its main function the attainment of the common good of a tiny class at the expense of a very large class. The main function of the State domestically is to maintain the status *quo ante*—you may call it "law and order," if you like—which means that a small minority of infants shall be born with a certainty of wealth, leisure, health, education, happiness, and power, while an immense majority of infants shall be born with a certainty of poverty, work, disease, ignorance, and misery. The State as we know it to-day is "the sovereign organisation" not "for the attainment of political common good," but for the "maintenance of political and social class- and sex-monopolies." What Mr. Burns really meant was that the State is an organisation whose function *ought* to be the attainment of political common good;—but to define something by what it ought to be and isn't must lead to dangerous confusion. We should never put up with a zoologist who defined a snake as an animal which ought to give milk, but unfortunately had not yet developed into a cow or other mammal.

To answer the question, "What *is* a State?" the simplest method is not to give a slightly ambiguous answer like this "sovereign organisation for the attainment of political common good," but to try to determine the most important qualities and functions of two existing States, namely in Germany and England. This I now propose to do briefly and therefore inadequately. The first important quality of

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the State, as State, in each country is that it is an organisation of all the individuals who are citizens residing within the physical boundaries of the country. But it is only in a very limited sense that *all* the citizens can be said to be part of the organisation. One of the functions of the State is the making of laws, and those laws are regulations which are applicable to all persons residing within the physical limits. Thus the organisation does organise all the individual citizens, but only in the sense of controlling and determining some of the relations of all individuals. It is quite untrue that all the citizens of the State either in Germany or England are members of the organisation. The State in this connection should be compared with some other organisation like a trade union. Only a very small number of the inhabitants of Germany and England are members of the State in the sense in which a worker is a member of a trade union. Membership of a trade union implies at least the right to take an active part in the work of the organisation. But in the State many members, *e.g.*, women, have no such right, they are purely passive members in the sense that the organisation determines their freedom of action. No one would say that the employer whose freedom of action is determined by the regulations of a trade union, or the non-unionist who is in effect bound by the actions of a strong union, are members of the organisation. The strong trade union organises the employer and the blackleg in the sense that it makes general rules to which the employer and blackleg sometimes unwillingly, and sometimes willingly submit. Similarly the organisation called a State organises women and many other citizens. But a woman is no more a member of the State in this country than the club waiter who submits to the regulations of the Club is a member of it.

These considerations really dispose of nine-tenths of everything that has ever been written about the General Will and Individualism and Collectivism in so far as existing States are concerned. For those nine-tenths apply not to England and Germany but to Utopia. In England

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and Germany the State is simply an organisation the members of which make regulations binding upon all persons living within certain boundaries. And as with so many organisations, so with the State the power even of the members over the organisation is for the greater part nominal. The machinery of the organisation is in the hands of a tiny minority of the members. That machinery is used by the minority not only to perpetuate their control of it, but in order to keep the majority of the members of the organisation in such a state of ignorance, poverty, and physical fatigue that any control by them of the organisation shall be impossible. The manual worker with a vote, for instance, is only nominally a member of the State, as an organisation; he takes and can take no part in determining its form or in making its regulations or laws; its machinery is used simply, so far as he is concerned, to delude him into believing that he is controlling it, and therefore that he is morally bound to obey its regulations. The General Will in Rousseau's sense, or the Will of All in Mr. Bosanquet's sense, have nothing to do with an organisation of this type: they refer only to a type of organisation which may exist perhaps on the other side of the moon.

That these statements are not exaggerations can be seen from the view which the inhabitants of one State take of the nature of a State other than their own. The Englishman is quite ready to accept all or any of the idealised views of Rousseau, Hobbes, Spencer, or Mr. Bosanquet on the nature of a State as applicable in practice to his own State: the German is equally ready to apply them as true of the German State. But ask an Englishman, who in an unguarded moment is talking plain English instead of philosophy, his opinion of the organisation of the German State, or ask a German who is similarly talking plain German his opinion of the English State, and you will find that neither is under any philosophical delusion. The German's vision of his State is extremely romantic and exalted; he sees in it an embodiment of the German

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General Will, something therefore for which he may rightly be called upon to sacrifice his possessions, his liberty, his beliefs, his conscience, and his life. We, however, are under no such delusion: we see clearly that the German State is an embodiment not of the General Will but of the General Staff, that it is an admirably designed and efficient organisation for allowing 1 per cent of the German nation to organise and impose their will upon the other 99 per cent, and also for maintaining the *status quo ante* between classes in Germany. And the German sees no less clearly that the State in England is an organisation of a similar but somewhat more inefficient kind.

So far I have been considering only the nature or qualities of the organisation which we call a State. I now propose to consider some of the functions which the existing State actually performs. The most important remains the maintenance of law and order within the State territory. Almost the whole immense overwhelming power of the machinery of the organisation is devoted to this function. The modern State has proved itself a highly efficient organisation for maintaining order in the sense of internal peace. But this fact should not blind us to the real nature of "law and order." In the modern State Law is founded upon the sacredness of private property and the sacredness of private property is founded upon Law. Law, therefore, has as its main effect the preservation of the economic and therefore social *status quo ante* between classes. It is Law which makes it a moral certainty that the infant born in a slum will die in a slum, having himself begotten infants in the slum. It is Law which makes it a moral certainty that the infant who is born a millionaire will die a millionaire and beget an infant who is another millionaire. And the one moral certainty is of course the corollary and complement of the other. Modern Law in the modern State has become in fact an extraordinarily efficient machinery for perpetuating private monopolies of all kinds from generation to generation. The State from this point of view may be defined as the highest political organisation for ensuring by public law the permanence of private monopolies.

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A second function of existing States which have reached a certain stage of development is an economic one, *i.e.*, to provide for or regulate the provision of some commodities and services which in the complex, crowded life of cities cannot so conveniently be provided by individual enterprise or smaller organisations. It is noticeable that the economic functions of the State are limited mainly to communications and public health. The taking over by the State of such functions is often either welcomed or regretted as "socialistic," but it has of course only the very remotest connection with socialism. No modern State has begun to touch the shadow of the hem of the outer garments of socialism; by performing certain economic functions it merely produces in a very small part of the field of industry some of the effects which a socialistic organisation of society would produce there.

A third function of the State is one of great importance. It consists in maintaining relations between the State and other States. Upon this subject Mr. Burns's book is particularly valuable. He is aware of the great development of this function in the last century, and he rightly insists that political theory has gone hopelessly astray by considering the State always in isolation, as a "sovereign and independent" unit, and not in its relations to other States. A theory of the State which ignores this function is therefore valueless, but I do not propose to say anything more about it here, first because my space is limited, second because the reader who wishes to pursue the question should read Mr. Burns, and thirdly because I have myself dealt with the subject in my book, International Government.

Another function which the State, it may be argued, has assumed, and to a very small extent performs, is the ensuring to the individuals resident within its boundaries sufficient food to keep themselves from starving and a minimum of health, education, and discomfort. State Schools, State Insurance, Minimum Wage Acts are directly due to the sporadic adoption by the State of this function. But it is

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only in very recent years that even a minority of the inhabitants of civilised countries have come to admit this to be a function of the organisation. Mr. Pease in his History of the Fabian Society quotes the *Spectator*, the mirror of British public opinion, as horrified in 1882 at the "theory that it is the duty of the State to make the poor comfortable" on the ground that to do so would be to begin "to tamper with natural conditions." And in fact the theory that the State is the highest political organisation for making the poor uncomfortable and at the same time for keeping them poor is by no means dead in Britain, and that is one reason why the existing State so efficiently performs that function.

If space allowed, the analysis of the functions performed by existing States could with advantage be carried much further, and certainly such an analysis is a necessary preliminary to an adequate theory of the State. But certain conclusions suggest themselves even from this partial analysis. In the first place it is obvious that the idea of "the State" in the minds both of theorists and ordinary men is something very different from the State as it would appear in this analysis. Neither the German nor the Englishman could possibly have the feelings which each has towards his own State, if he envisaged it as the highest political organisation for keeping the rich rich and the poor poor. The causes of this inconsistency may be found in the illusions of patriotism, and in the illusions of philosophy. We have seen that there has been a strong tendency among philosophers to confuse the State as it is with the State as it ought to be. Now unfortunately even the most difficult and unintelligible speculations of philosophers have a way of filtering down through the ages into the beliefs of the ordinary man. The speculations of Fichte and Hegel upon the nature of the State have indisputably in this way permeated the beliefs of German cavalry-men and Social-Democrats. The philosophical confusion between "is" and "ought to be" reappears in the cavalry regiment and the factory, and the ordinary German instead

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of seeing his State as an organisation performing certain functions, suffers from a common hallucination and sees it surrounded by a halo of Hegelian qualities. This naturally has a profound effect upon his feelings towards it.

Secondly the ordinary man's feelings towards the State are affected by a delusion which may conveniently be called anachronism. The nature of States has changed, but the feelings appropriate to one kind of State persist and are transferred to another kind of organisation to which they are no longer appropriate. This is peculiarly clear in the case of the ordinary attitude towards the crime of treason. A rebel to-day is a person who aims at transferring himself and his co-rebels from the organisation of his existing State either to another existing organisation or to a new organisation. This in nearly all civilised countries is still held to be the most heinous of all crimes and is punishable and punished with death. But a very little quiet reflection will show that it is not a crime at all, and nearly everyone therefore sees that it is not a crime when committed against a State which is not his own. Thus the *Times* which considers Mazzini and Garibaldi to have been patriots, is convinced that Sir Roger Casement is a criminal. The German who thinks the Irishman justified in attempting to take himself out of the British State, thinks that the Pole who tries to take himself out of the German State is a criminal, and the Englishman who thinks the Irishman is a criminal sees that the Pole is a hero. This obvious confusion is due to anachronism. Anyone who read the report of the trial of Sir Roger Casement must have realised that he was being tried not for an offence against the existing State, but against the King, and not even against the existing King but against the ghosts of dead and buried Kings. In the old days the State was an organisation which was a personal appendage of a King who derived his authority over the organisation from God. The function of the organisation was simply to provide him with taxes, his nobles with land, and his army with fighting-men. *L' Etat c' est moi*, said the King, and the Law both of the Statute

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Book and the Book of God confirmed him. For a man or a body of men to attempt to withdraw themselves from the organisation and their allegiance to the King was an offence therefore not only against the King and his Law, but against God and his Law: and for an offence against the Law of God hanging, drawing, and quartering is the appropriate penalty. But the relations of citizens to their King have changed since the Plantagenets, and no personal and religious bond exists between George V and an Irishman. We have even come in the nineteenth century to see that, at least outside the boundaries of our own State, bodies of men have a right to choose the State organisation to which they will belong. Thus for the Polish people and the Irish people to object to their inclusion within an alien organisation may be in the one case wise and the other case foolish; in neither case or in both cases it is criminal. It appears to be criminal because the master-subject aspect of the State, derived from the confusion between the State and the King, still persists in our law and our traditions, and also because the ruling classes in existing States, who to a considerable extent have usurped the position of the King in the organisation, foster these anachronistic ideas and sentiments in order to consolidate their position.

The sentiments of the members of modern States towards their organisation are thirdly greatly affected by an illusion of modern patriotism. It is an obvious fact that States and Nationalities are not the same thing. But in Europe circumstances have in comparatively recent times combined to bring nationality into extremely close connection with the State. It is only in the last century that either the idea or the desire that the divisions of human beings into Nationalities should coincide with their divisions into States obtained a wide or deep hold upon the human mind. In the East and in Africa it is still possible to see large masses of men with strong national feelings which have no connection or relation to political organisation. But in the countries of Europe the desire that peoples of the same

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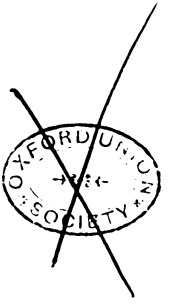
nationality should have their own political organisation has resulted in a fusion and confusion of the conceptions of the State and of Nationality. This has not only had a profound effect upon national groupings and the evolution of the State; it has also by a natural process resulted in the transference of sentiments appropriate to the nation or the national community to the political organisation, the State. The German State is a political organisation the machinery of which is controlled by a small number of Germans principally for their own and at the expense of other Germans' interests. That is a very different thing from the German nation. If the ordinary German kept the two ideas distinct in his mind, he could not possibly feel the same sentiments towards this organisation which he feels towards the nation. But those in control of the machinery actually foster the idea that the organisation and the nation are indistinguishable, and as a result of this confusion, the sentiments of nationality are now commonly felt not only towards the organisation but even towards the machinery of the organisation. Such a condition of popular feeling is naturally extremely useful and acceptable to those in control of the machinery. What is true of the German is also true of other people. The Englishman does not talk of the State, but he talks and feels about his "country" very much as the German feels about the State. And, as a perusal of the leading articles in the *Times* will show, the "country" is more often than not simply the organisation of the State, or the machinery of the organisation of the State. How far the modern connection between political organisation and nationality is a good thing for the world is a debatable question; but there can be no dispute as to the evil results of this false and confused view of the political organisation which tends to accompany it. The world is now seeing how disastrous those results are in the case of Germany: they are and will be no less disastrous in other countries.

L. S. WOOLF.

RICHMOND, ENGLAND.



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BIRTH-CONTROL AND BIOLOGICAL ETHICS.

WARNER FITE.

TO THE moral philosopher the question of birth-control, more popularly stated in terms of "race-suicide," is a question of peculiar interest. There are few questions which have so large a practical significance and at the same time cut so deeply into the foundations of ethical theory.

There are also few other questions of equal importance which are left in equal obscurity; and none, perhaps, which can show a more complete reversal of ideas, among practical moralists and social reformers, within a comparatively short period. In 1797 Malthus published the first edition of his "Essay on Population," in which he pointed out that the possibilities of social progress were being largely set at naught by the constant pressure of population upon subsistence. At once he became the target for all those who stand for natural instinct as against reflective intelligence. But at the same time birth-control became gradually the mark of a superior sense of moral responsibility. About the middle of the century, however, after the appearance of the "Origin of Species," the tide began to turn from intelligence back to nature. It was now discovered that man is a biological species, and that the seemingly uncontrollable intensity of the sexual instinct is a sacred provision of nature for the perpetuation of the race. Since then the teachings of professional social reformers have been rather in favor of fruitfulness and multiplication, with qualifications in recent years in favor of the best. The result is that those who were commended for wisdom and virtue by the Malthusians are now execrated as traitors to their race.

At the same time it would be difficult to find another question which can present us with so marked a contradiction between legal commandment and private practice and between social convention and private conviction.

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The statistics of population render it almost certain that the check upon birth-rate, which operates more or less among all classes of all civilized countries, not excluding our southern negroes—the exceptions, in themselves significant, being found mainly in Roman Catholic countries—is voluntary and prudential. The most emphatic of those who denounce "race-suicide" can rarely show families that measure up to the good, old-fashioned standard. The theory that diminished fertility naturally accompanies an advance in culture and intelligence seems slightly grounded. Nor may we believe that the result is attained by the simple abstention from sexual relations. In private conversation the contrary is accepted as the mutually understood fact. Yet in any but strictly private conversation we seem to have agreed to denounce all interference with natural processes as a form of "unnatural vice." In most of the states the law forbids the sale of anything to prevent conception, but the law is a dead letter. The medical man, when asked for information, coughs apologetically behind his hand and pleads his medical ethics; and then he proceeds to tell all that he knows. The Department of Public Morality at Washington, commonly called the Post Office, exercises its extraordinary bureaucratic powers—powers that are scarcely paralleled in any civilized country outside of Russia—to exclude from the mails all literature relating to the subject. This does not prevent the dissemination of knowledge among the more intelligent or the more curious. The chief result is that decently-minded persons are referred to illicit, uncertain, and often unedifying sources of information.

Still more interesting, from the standpoint of the critic, is the fact that the propaganda against "race-suicide" is directed chiefly against the married. One hears occasional derogatory references to those who prefer a single life—a hint, perhaps, of selfishness and love of comfort—but few seem quite ready to insist that those who are positively disinclined to marriage, or those who are unable to find a congenial partner, ought nevertheless to marry for

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the sake of the race. And, of course, there is no recommendation of illegitimate children. It seems, moreover, that even the married may escape reproach if only they are willing to maintain Platonic relations; indeed, it is not impossible that Platonic marriage may be exalted and birth-control execrated in the same breath. This suggests that hostility to birth-control may be not unmixed with primitive superstition. The theory seems to be that Nature, or the Almighty, having in mind our natural depravity, has, for the purpose of preserving the species, made the sex-instinct especially powerful; and that we, on our side, are permitted a degrading gratification in return for services rendered. We may decline to avail ourselves of the privilege—perhaps the Almighty will think better of us if we do. But to accept the pleasure and withhold the payment is a piece of sharp practice. In this connection I am reminded irresistibly of an editor's footnote in an old American edition of Butler's "Analogy," which I here reproduce:

> Hume says, "though man, in truth, is a natural agent, having all his acts determined by fixed and immutable laws, yet this being concealed from him, he acts with the conviction of being a free agent." Which is the same as to say that God intended to conceal from men an important fact, involving the whole subject of right and wrong, but Mr. Hume found Him out.

The scientific argument against birth-control is based upon the biological conception of man as an animal species, a conception which has been dominant in the interpretation of all human affairs since the introduction of the theory of evolution in the middle of the last century. For a generation bred upon biological evolution it is a little difficult to realize the full measure of the change which this conception has introduced into all of our views of human life. While the older moralists were asking themselves whether self-sacrifice is rational, as if it were a matter for human reason to determine, Herbert Spencer pointed out that, in the biological world—to which we also in some manner belong—self-sacrifice is already more or less common. Even those

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animals whose dominant protective instincts point to flight may become savage antagonists in defence of their young; on whose behalf the female, in particular, may go to greater lengths of self-forgetfulness than we should expect of most human mothers. Among the insects we find cases where the male in the act of procreation gives up his life, sometimes at the hand of the female herself—as if in fulfilling this duty his reason for being had ceased. Arguing from a purely human standpoint, we are apt to say that the first law of nature is self-preservation. The theory of evolution shows us, however, that in nature, in which we live and move and have our being, the law of self-preservation is subordinate to the law of the preservation of the species,

> So careful of the type she seems,
> So careless of the single life.

This is the conception underlying the hostility to birth-control; to interfere with the processes of reproduction for purposes of our own is to set aside the will of Nature.

Coincident with the progress of evolutionary ideas, we have noted a growing tendency to emphasize the "social" factor in human affairs. So far has this gone that in present theory morality appears to be exclusively a matter of social obligation; and even those who hesitate before the formal acceptance of socialism are nevertheless disposed to think of all vice as a form of "individualism." From this point of view, birth-control is an offence against society; though it is a little difficult to make out precisely against whom the offence is committed—hardly, I should say, against those who, by virtue of birth-control, are never to be. Christian moralists rejoice to see in all this "socially-mindedness" a triumph of brotherly love; but, in my opinion, somewhat prematurely. The personal quality of brotherly love seems rather remote from economic socialism (for example); nor does "the social organism" suggest very strongly "the communion of saints"; while the primitive clan, the solidarity of which furnishes a standing ground of admiration for contemporary ethics,

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is only one step this side of the animal species. The truth is that, paradoxically, there is hardly a suggestion of personal fellowship in this emphasis upon the social. "Society" is really only another term for the biological species. And the "social" argument for fruitfulness and multiplication rests, in the last analysis, not upon the needs of a self-conscious humanity, but upon the external demands of a personified "Nature."

Now it is primarily this biological point of view against which—to state my purpose frankly—the present argument is directed. I have no disposition to urge that the race commit "suicide"—to give a literal significance to the sensational formula. Nor am I disposed to regard nature as an enemy. But I hold that the ways of nature are authoritative for man only so far as they commend themselves to human intelligence in the satisfaction of humanly appreciable needs; that these needs must be in some sense the needs of humanity itself, and of humanity in the present tense; and that, as authoritative upon the individual, they must be in some intelligible sense his own needs. So far as the ways of nature can be comprehended by us, it is both our right and our duty, as intelligent beings, to control them for our own uses. This applies both to the regulation of the number of offspring and to the means of regulation. And I make express mention of the means, because in the question before us the means appear to raise an even deeper ethical question than the end.

Criticism of the biological point of view in ethics is, of course, not a criticism of biology. Nor shall I claim that the biological point of view is irrelevant to an analysis of human conduct. Rather must we say that for ethics and psychology the consideration of man as one of the animal species has been nothing less than a revelation. But it is quite possible that a too intensive illumination may be blinding. The present I take to be a case in point. In the contemplation of the similarities between men and the lower animals, as revealed by the theory of evolution, it seems that we have completely lost sight of the differences. And

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the differences are such as to make the similarities seem almost insignificant. I may summarize them in one sentence: among the vast number of animal species, man is the only animal who knows that he is an animal; he is the only animal who is also a biologist.

This difference has a wide range of implication. Man is the only animal that can be said to have a history; that is to say, the only animal who lives to-day in the light of accumulated racial experience. He is the only animal who has a science; the only animal who can survey the present fact in the light of facts that are temporally and spatially remote. He is the only animal who may properly be said to have a society; that is, the only animal who can be conceived to act here and now in the light of recognized relations to his absent fellows. He is also the only animal who can be conceived to have any clear consciousness of family relations. I prefer not to dogmatize about animal psychology, for it is always conceivable that animals have a social and cultural life of their own, and that while we are referring the actions of ants to unconscious instinct, they may be making the same observations with regard to us. But taking the animals simply as they appear to us, as being, for example, innocent of physiology, it seems hardly probable that the dog perceives any relation of cause and effect between his copulation with the bitch and a phenomenon temporally so remote as the birth of a pup;[1] nor may we suppose that the bitch retains a conciousness of her parental relation after the period of infancy is past. And any knowledge of remoter cousinships seems quite out of the question. In a word, then, as distinguished from the lower animals, man is not merely more developed, or more "efficient"; he is distinguished from other animals by the fact that he has a "culture"; and this means that he offers the only case in the animal kingdom where the

[1] Spencer and Gillen (*Northern Tribes of Central Australia*) claim that the Australians are ignorant of the relation of father and child; but this claim, at least as applied to some of the tribes, appears to be at variance with their own observations.

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processes of life are surveyed and analysed from the standpoint of those in whom they are taking place.

And this is to say also that he is the only animal to whom we may in any significant sense apply the term "moral"; he is the only animal who is capable of directing his actions according to a clearly conceived purpose, or reasoned judgment of value. And I specify "in any significant sense" because I do not wish to deny absolutely the presence in animals of either morality or reason. I confine myself to the probability that, as compared with men, their range of imagination (including memory) is extremely limited. And imagination, in this broader sense, I take to be the foundation of all value. Value exists in the world only for those who have imagination; only for those who can remember, forecast, analyse, compare, and connect; that is to say, only for persons. When, therefore, we apply the conception of value to biological processes, we are assuming the point of view of a person. The question is then, For whom? When the individual gives up his life for the preservation of the species, whose purpose is fulfilled? The biological point of view seems to reply, For the purpose of the species? But, as I have just pointed out, the individual lower animal knows nothing of the species; nor is the species, so far as we can see, aware of itself. If there be any purpose connected with the species, it must be the purpose of an external intelligence. The theologian may then say that the purpose is God's purpose; or the poet may say, Nature's purpose. But the moral philosopher, who begins with human experience, is compelled to admit that the only purposes of which he is certainly aware are our purposes. He may then proceed from this point to attribute a purpose to Nature or to God; and this will doubtless be a matter for consideration in the determination of our own purposes. But throughout the argument the fact of our purposes stands; and the purposes are ours.

For it is not enough to say that "value," in the abstract, is created by our consciousness of self. The more important fact, for our purpose, is that the values created are

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values for self, valuable from the point of view of the person who creates them. In becoming self-conscious I cease to be valuable merely for others and become valuable for self; or, in Hegelian phrase, that which was formerly only "being for others" is now also "being for self." I may illustrate this important distinction by pointing to the food-cattle. Here we have a clear case of a species which is bred for a purpose. In relation to this purpose the cattle have a value, but it is a value for others. Any value that they may have for themselves we assume to be fully satisfied by keeping them well fed and putting them to death without any unnecessary terror or pain. But this view of the matter depends wholly upon the assumption that their self-consciousness is equally negligible, namely, that the cattle are incapable of suspecting that they are to be killed for food. If they were capable of this, they would also be capable of refusing to breed. And in that refusal we should recognize a moral right. If the cattle could voice such a complaint to us, after the fashion of the cattle in the fables, I am sure that the number of vegetarians would immediately increase. For, through the mere fact of self-consciousness, a new element is introduced into the moral computation and a new person is created with rights of his own.

Now, whether or not we are logically justified in attributing a rational purpose to nature, I shall not pretend to say. We have to remember that the theory of natural selection was suggested to Darwin by the point of view of the stock-breeder, and it is quite possible that in applying this conception to nature we get only the reflection of the stock-breeder's point of view. But assuming a purpose in nature—or assuming that she has no purpose—I say that the laws of nature control the individual and exercise a binding force upon him only so far as—for him—they work unconsciously. For the ethical and psychological individual they have no binding power except so far as they derive that power from his own judgment of value. I will even go further and say that when we make the laws of

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nature absolute in the physical world we presuppose that they work unconsciously. For suppose any individual, animal or machine, to become at any point conscious of the nature and the tendencies of the activities at work in him: the first clear consciousness of this fact will express itself in the statement, Here am I. And what am I doing? And why am I doing it? And the "why" will mean, What rational interest have I—now a rational person, with ideas of my own—in doing this thing? In any being capable of putting this question it is inconceivable that the laws of nature should pursue their course untroubled. In human relations, as soon as we become conscious of any foreign will working its way in us—the will, say, of the advertiser, or the salesmen, the life-insurance agent, or the politician—that will is as such at once dethroned. If the foreign will is now to be authoritative, its authority must be based upon interests of our own. And this will be true whether the other will is the will of society, of nature, or of God. No person can, with a clear self-consciousness, choose to be eternally damned, for the glory of God, for the glory of society, or for the glory of the species.

Of the activities which are in process of becoming self-conscious the sexual activities of human beings are a typical illustration. If nature is the great stock-breeder, then we shall say that among her various species man is the only animal that really knows that he is being bred. And more than that, he is the only animal which can be assumed to have any intimate knowledge of the reproductive process. His knowledge is far from complete. Our human life as a whole is a mingling of conscious and of unconscious processes, with the unconscious in a large majority. And for all of our study, the processes of reproduction are still largely mysterious. Yet our knowledge is sufficient to place them more or less under our control. Nature ordains that sexual intercourse shall be determined by the physical conditions of propinquity and by the physiological conditions determining sexual desire; and then that the fact of intercourse shall commit us inevitably

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to its natural result. By our knowledge, however, we are enabled more or less to treat the cause and the effect separately and to determine the conditions for ourselves. And this knowledge, as a feature of our self-consciousness with regard to the activity as a whole, profoundly alters the ethics of the situation.

For, to consider the sex-relation first, it reverses the relation of means and end. From the biological standpoint, the sex-relation is a means for Nature's ends; it has no other meaning. But no self-conscious human being can regard his sexual life as a means for the ends of others. By the very fact of his self-consciousness this function, otherwise merely physiological, has become deeply personal and intimately his own. And therefore, while for Nature the sex-relation is only a means, for those intending to marry it is the first and most important part of the end. As a personal relation marriage is its own justification. And this view of the matter, so far from indicating a disregard for moral considerations, is one of the most distinct marks of a higher civilization. Precisely as we advance towards a more refined humanity do we come to feel that in the relation of marriage no ulterior considerations can take precedence of personal choice. Upon grounds of expediency we may forbid certain unions, but it hardly occurs to us to command. We call it prostitution to sacrifice the personal choice for pecuniary gain; from the personal standpoint, biology aside, it seems not less prostitution when the end is the propagation of the species. Certainly a proposal of marriage in these disinterested terms would seem horrible and grotesque. And if it be objected that the moral sanction applies to the personal rather than the sexual relation, the reply will be that of this personal relation the sex-relation is an inseparable part. A man and a woman may have a warm affection for one another where sex plays no part. But this means that the intimacy of thought and feeling has also certain well defined limits. An exclusion of the sex-relation from married life tends

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clearly to personal estrangement, if not also to nervous disorder.

I may carry the point further. Among many of the lower animals the operation of the sex-instinct appears to be more or less seasonal and sporadic, and when the bodily need is not actively present the relation appears to be forgotten. The operation of the instinct is thus restricted to its racial utility. This fact is often used as an evidence of the superior normality, if not also of the superior chastity, of the lower animals, and the relatively constant presence of the sex-motive in human life is treated as a sign of decadence and corruption. Such an argument I take to be merely a naïve reflection of the biological point of view. If the sexual life of the animals is more "normal," it is only because the animals are lacking in imagination. On the other hand, this lack of imagination reduces the whole of the sex-life of animals to the status of a merely physical need. From the standpoint of a self-conscious agent, it is precisely normal that a relation which is perceived to be desirable should be cultivated and extended. And if this results, among coarser men, in a sensual and obscene imagination, then still I say that even this is a more positively spiritual fact than no imagination whatever.

But I am not arguing for the luxuries of sensualism. I think that it must be a rather dim self-consciousness which can perceive in the sex-desire no larger significance than in the desire for a glass of wine or a beefsteak. The primary fact that emerges from the least reflective analysis of the desire is that it is a desire for another person. In other words, though animal in its beginnings, and sensuous to the end—since human life is never disembodied—to one in whom the desire attains a clear self-consciousness the sex-desire reveals itself as, in the last analysis, a desire for personal intimacy of a unique and precious kind. And this connects it with all that is most valuable in human life.

For if you ask me what is this most valuable thing—what is the *summum bonum* for self-conscious beings—I shall reply that it consists in the cultivation of personal

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humanity through personal relations. From the biological standpoint a personal relation of any kind is simply a means to an end; the relation itself adds nothing to the content of the end. If animals go in herds, it is not for the cultivation of social intercourse, but for mutual protection. And this, as I have suggested, is the standpoint underlying the prevailing conception of society. "Society," in the usual sociological acceptance, is really only a vast business organization for the maintenance of life. Accordingly, personal relations not necessary to this end are treated as superfluous, except as they may be justified upon grounds of necessary recreation. With this view belongs also the doctrine that the end of education is vocational efficiency. All of this belongs to the logic of the biological standpoint. On the other hand, the point of view of a self-conscious humanity is embodied in the conception of *culture*. "Culture," a word so often misused, stands simply for the development of the person as an end in himself. From this point of view the end and essence of social life is to be found in social life itself, in the development of the possibilities of humanity through *personal* relations. In the cultivation and enjoyment of one another through mutual understanding and fellowship, not as members of a social organization, but as individual persons, and in the spiritual advancement growing out of this mutual cultivation, we have at once the highest good and the end in relation to which natural processes and economic organization are to be treated as means.

Now, among these personal relations none is more replete with significance than the sex-relation, and none makes a richer contribution to the content of life. I will not exaggerate by saying that its significance is exclusive or supreme. It is true that in classical literature the sex-motive seems relatively unimportant; and the emphasis laid upon it in modern literature is probably too exclusive. Yet it is a mistake to assume that the classical literature is finer because this motive is lacking. On the contrary, it seems to me that it is just the peculiar in-

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sensibility of classical literature to the personal aspect of sex-relations that makes us often wonder why the classics are especially distinguished as "humane."

I have dwelt upon this point because it seems to me that in any discussion of the ethics of birth-control, the rights of the marriage relation as an end in itself are bound to hold a central position. And if marriage is to be regarded as an end, and not merely as a means, it seems to me that the conclusion is obvious: as an end important in itself, marriage should represent a choice unencumbered, as far as possible, by extraneous obligations; and this means that, within the limits of health and safety, we are justified in employing all the resources of knowledge to render marriage fertile or infertile, as those in question may see fit. At any rate, a question of this kind is to be settled by those concerned, from the standpoint of marriage itself. The control of natural processes for human rather than for merely natural ends is now generally accepted as the mark of an enlightened humanity. We have left behind us the day when the use of anesthetics in child-birth could be condemned on the ground that the pains were divinely ordained. It seems to me that the outcry against birth-control is a survival of this discarded point of view; and that it stands, not for a higher morality, but only for primitive superstition, fortified by a biological view of life.

Coming now to the broader question, of birth-control irrespective of the means, I shall confine myself—since my chief purpose is to outline the ethical principle rather than to consider the economic details bearing upon its application—to a brief expansion of the statement that, for an enlightened human being, the question of regulating the number of his children is, so far as the question is an open one, a question of utility, like any other question—for example, the question of building a house. It differs from this question only in calling for a larger and more humane consideration of the utilities.

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And therefore to stand for birth-control does not mean that childlessness is to be regarded as a virtue. I find myself disposed to regard those whom I suspect of being voluntarily childless as curiously deficient in human sensibilities—unless I can conceive the probability of a good reason. But upon my own reckoning, I should say that no good reason is to be found in the love of ease and comfort, or of social distraction, or in professional ambition, or in devotion to the arts. As a source of intelligent satisfaction and an enrichment of personal life, it seems to me that children count for more than any of these. They also cost more in terms of thought and responsibility—incalculably more. But everywhere in life it is true that the best things cost the most, and I think that we are entitled to hold a more or less mean opinion of those who refuse to purchase. Yet this is far from recommending unrestrained reproduction. There are many good reasons why the size of every family should be limited. And among them I hold that an excellent reason is just that reason which is most often condemned; that, namely, which considers the possibility, not merely of supporting the family, but of giving one's children a fair start in life, as measured generally by the social standing of the parents. An even more imperative reason is that which measures from all points of view the burden to be carried by the mother. Those who talk glibly about the good, old-fashioned family seem commonly unaware of the fact that many of those families of a dozen or more children represented a succession of two or three mothers. There are also good reasons why some families should be wholly childless. And in the last analysis I say that the question of obligation is a question of the individual interest, broadly considered. I may explain to the childless man or woman that in his own interest he is making a mistake; but if he can convince me of the contrary, I can urge no obligation.

This means that when an individual is urged to bring children into the world for the purposes of society, he is entitled to ask why. What is he to get out of it? And

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what are his children to get out of it? If the purpose be to furnish a plentiful supply of food for cannon, in the interest, perhaps, of certain ruling classes, then I think that he may properly object. A good deal of wit has been lately expended upon the sentimental song, "I didn't raise my boy to be a soldier" (of which I have heard only the title), but why any one who knows what it is to "raise" a boy, who thinks of the anxious affection expended by the parents and the high hopes and ambitions aroused in a boy successfully "raised"—why he should then think it worth while to raise boys for this purpose, is beyond my power to conceive. And if the purpose be merely to furnish a plentiful supply of unskilled labor for the development of capital—which I seem to detect as one of the motives underlying the hostility to birth-control—I think that he may again object. Addressed to capitalistic parents, the argument is irrelevant; to the non-capitalistic, it is invalid.

And if I were arguing the question from a racial standpoint, I should undertake to show that nothing proves more clearly than a consideration of the supply of unskilled labor the need of birth-control for any general diffusion of culture and civilization. For all higher culture presupposes economic freedom. The Greek culture, enjoyed by a few, rested upon a basis of slave-labor. Modern culture, considerably more diffused, is based upon mechanical invention. It is probably correct to say that modern scientific attainment is more than anything else the result of improved means of communication. But as long as there is a plentiful supply of unskilled labor, there will be no progress in mechanical invention. It is only because slavery is now impossible and unskilled labor relatively scarce, that our civilization is more comprehensive and on the whole a higher civilization than the Greek; and the only safeguard against retrogression is a proper measure of birth-control.

We may be told, however, that the purpose of fruitfulness and multiplication is to maintain the American stock. Then the question arises, In what position do we wish to

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maintain the American stock? Do we wish to maintain it at the present economic level? If so, the purpose is best accomplished by limiting the American family to those who can be given a fair start in life. But if the American stock is to be degraded, there would seem to be no reason why it should be maintained; certainly not, from the standpoint of those who are to be represented in the stock. And if a more broadly social standpoint is to prevail, then I should say that the obligation rests upon those especially interested to see that, either by state aid—which is hardly conceivable—or by private endowment, special inducements in the form of assistance in the nurture and education of children, are offered for the propagation of the American stock. Private responsibility for the support and education of children presupposes that a man's children are his own. If children are to be brought into the world for the uses of society, it is for society to pay the bill.

Or are fruitfulness and multiplication to be recommended simply for the maintenance of the race? Now, I am far from thinking that the race should come to an end. But I believe that, as intelligent beings, supposedly emancipated from superstition, we are at least entitled to ask why the race should go on. And it seems to me that for the affirmative side the present is a rather inopportune time to raise the question. If the civilization of the future is to be merely a repetition of what it has come to now—and some wise persons tell us that it will never be different—then it seems to me clearly better that the race should not go on.

Nor is it wholly a question of a better time coming. One of the natural results of a view of life based exclusively upon evolution has been a glorification of the future and an exaltation of the duty of self-sacrifice for the present generation. Upon what rational grounds such a duty can be recommended, we are not clearly told. Perhaps if we could believe that by our sacrifice social and racial problems could be once for all solved, we should find the end to be worth our while. But to any reflective mind such

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expectation must appear illusory. In the nature of the case evolution is an unending series of new wants that are developed through the satisfaction of old; if no new wants appeared, evolution, and life itself, would come to an end. We may therefore anticipate that for any future generation life will be as problematic as it is for us. I am not sure that this is a pessimistic conclusion. But it seems to show that we are justified in allowing the future generations to take some responsibility for themselves; and on the other hand it is quite conceivable that the best that we can do for them will coincide pretty closely with the best that we can do for ourselves. I am inclined to think that this is the case with birth-control. In any case, it should be clear that a life process which consists only in a series of sacrifices—the present generation sacrificing itself for the next, which again sacrifices itself for the next, and so *ad infinitum*—is an absurd conclusion for a race of supposedly rational beings.

WARNER FITE.

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THE MAKING OF THE PROFESSIONS.

EDWARD ALSWORTH ROSS.

THE patron of the artisan or tradesman is presumed to be competent to look out for his interests. For him *caveat emptor* has been the rule. Bad wares he can reject and poor service he can refuse to pay for. Since the one party is in no need of special protection, the other party has not been subjected to any special restraints.

But the patron of a calling which involves the use of highly technical knowledge, since he is not qualified to judge the worth of the service he receives, is in a position of extreme dependence. The patient cannot pronounce upon his doctor's treatment. The client cannot test the value of the advice his counsel gives or know whether his cause is properly presented. The student cannot plumb his teacher's learning, the reader gauge the editor's disinterestedness, nor the creditor verify the audit of the public accountant. One will hesitate to commit one's dearest interests to such men unless one has ground for believing them to be worthy of trust. There is need, therefore, that callings of this confidential character be restricted to men of honor acting with reference to a high standard. The means of bringing this to pass is to elevate the calling into a profession.

The expert cannot raise the tone of his calling unless he is shielded from the withering competition of bunglers, quacks and charlatans. So the first step toward creating a profession is the exclusion of the unfit. This is sought by forbidding the practice of the profession to all save those who have been licensed by some board, institution or organization authorized to examine and pass upon the proficiency and character of applicants. Along with this goes often the power to expel from the profession the practitioner whose conduct is such as to bring it into disrepute.

It is not enough to bar out unworthy persons. It is

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necessary that the calling attain a standing and dignity which will attract to it men of good breeding and high spirit, for it is such men who will contribute most to set and fix an exacting standard of professional conduct. To this end the law generally accords the calling some official recognition.

Recognition of the Professions.

Army and navy officers not only hold their commissions from the head of the state, but under militarist governments they are authorized to cut down pitilessly any civilian "insulting the uniform." The clergy once enjoyed exemption from the jurisdiction of secular tribunals, *i.e.*, "benefit of clergy," and even now the courts respect "the seal of the confessional." Ordinarily the physician is not required to divulge on the witness stand the secrets of his patients and in a great variety of juridical questions the law insists upon the testimony of medical men. A constitutional "liberty of the press" guarantees a footing for the journalist. Lawyers have been drawn into the judicial system until in the eye of the law the bar has rights and functions, well-nigh as important as those of the bench. The more exacting legal requirements as to the audit of companies amount to a recognition of the profession of public accountant, while the statutes establishing administrative boards occasionally recognize the existence of such persons as architects, engineers, psychologists, economists and sociologists.

Of even greater benefit to the tone of a calling is a social status high enough to protect the dignity and self-respect of the practitioner. The lawyer makes clear to his client that he is a counsellor, not a servant. The physician feels at liberty to remonstrate with the patient suffering under the consequences of his evil conduct. The indispensableness of the clergyman in such crises as christening, marriage and death, together with the custom of prayer at public functions, gives him a place of much prominence. The scholar shares in the prestige that has accrued to science, although

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his will not be a position of real dignity until "academic freedom" is firmly established. The military enjoy a social status inherited from feudalism, when holders of command were also territorial magnates. Gradually the professions have risen in public esteem until they are no longer overshadowed by the hereditary ruling or fighting castes. To use the old French terms, the "men of the robe" have come quite abreast of the "men of the sword." In modern society successful professional men mingle on a footing of equality with wealthy bankers and capitalists, although their position in relation to the hereditarily rich—the leisure class—is not yet certain.

The Professional Spirit.

The natural effect of fencing the field and attracting into it superior men is the growth of *the professional spirit*, which is the very antithesis of the commercial spirit. In a true profession the pursuit of gain is subordinated to the aim of service. This implies for one thing that the practitioner will have but one grade of work, namely, his best. Cobbler or smith may patch according to the pay, but no physician will be respected who from carelessness botches a charity case. Again, the practitioner will be loyal to the interests of his patron even to the extent of opposing the patron's wishes. He will quit a case rather than render what he knows to be a disservice rather than a service.

As counsellor in the intimate matters of life, the professional man must command the implicit confidence of his patron. Hence he not only keeps locked within his breast the secrets entrusted to him, but he forbears to use to the disadvantage of his patron anything he has learned in a confidential relation. The architect will not accept a commission from a contractor and, if he has a financial interest in any building material or device, he will not specify or use it without the knowledge and approval of his client. The consulting engineer is expected to inform his client of any business connections which might be presumed to influence his judgment and to receive no royalty or com-

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mission on any patented article or process used in his client's work without written authorization from his client.

In the early history of some of the professions the practitioner was so loath to seem to sell his advice or skill that he named no fee but left his compensation to his patron's sense of honor, as does now the clergyman who officiates in a marriage or a funeral. Even to-day professional men are reluctant to collect a just fee by resort to a law suit. The exaction of payment in advance is generally frowned on save in dealing with notorious bilks. In countries like Prussia and Japan, where the service of the state is highly honorable, the salary of the civil servant is regarded as the means of maintaining him at the customary standard of living of his grade rather than as a payment for his services. His compensation is in honor.

To keep the huckstering outsider from coming between patron and practitioner it is held unprofessional for the latter to deal through a middleman or to conceal his personality under a corporate name. The services of the salaried doctor of a ship, a college or a company ought to be gratuitous to the patient. The public accountant ought not to take service with an audit company nor the lawyer allow a collection agency to charge his patrons for his services. The practitioner ought not to pay commissions to laymen for securing business, divide his fees with persons outside the profession nor allow anyone to guarantee his honesty and efficiency. Since in any case he is presumed to do his best, working for a contingent fee is, save in certain cases, regarded as beneath the dignity of the profession.

The putting of service above gain-getting implies a willingness to serve under certain circumstances without fee. The good physician stands ready to treat indigent sufferers, the good lawyer to take up the cause of the penniless victim of injustice. Architect, engineer and journalist are not called upon to serve the distressed individual but they may properly be called upon to contribute their professional services to a movement for public betterment.

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Every successful member of an honorable profession ought to be willing to do some free work.

In consideration of the protection, recognition and rights enjoyed by the members of the professions, they generally acknowledge their obligation to practice with due regard to the interests of society. The scholar recognizes his obligation to proclaim truth at whatever cost to himself, the journalist his duty to publish the news fairly and without bias, the clergyman his call to apply Christian principles no matter who may be wroth, the physician his duty to stay out a pestilence even at the risk of his life. The architect should not, under his client's instructions, look for a way to evade the building code, nor should the engineer show how to dodge the sanitary regulations. The lawyer's first obligation is not to win his case, but to see that justice is done. To stoop to fraud or chicane on behalf of his client or to find him a crooked path around the statute is to violate the bar's implied contract with society.

While engineers and architects are at liberty to patent their inventions, the medical profession has always set its face against secret remedies and the patenting of a means of relieving human suffering, insisting that it is a part of the physician's honor not to restrict the use of a medicine for the purpose of private gain, but to give it freely to the world. The doctors' fight with the makers of proprietary medicines is a war to the knife between the professional spirit and the commercial spirit. There can be no doubt as to which is the true friend of the social welfare.

Soliciting employment, advertising, seeking publicity, underbidding, attempts to supplant or to injure maliciously the reputation or prospects of a colleague are frowned upon as tending to lower the profession to the level of a trade. Lawyers ban advertising as tending to stir up litigation. There is, furthermore, the consideration that competitive advertising would greatly augment the expenses of professional men without making them in any way more useful to the public. The psychology, however, underlying the strong aversion to advertising in all the professions is,

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doubtless, the fear lest competition degenerate into an undignified scramble for business by all manner of self-laudation, falsehood and depreciation of rivals. In a profession pride is too strong to stomach the situation which would result if the members flung themselves upon a chance for employment with the abandon of newsboys or street-porters seeking patronage. In barring out any other means of commending oneself to possible patrons than worthy service, paid or unpaid, private or public, professional men are protecting not only their own interest, but that of society as well.

Client vs. Society.

As the older professions grew up at a time when the general or social interest was less clearly perceived than now, they show a tendency to put loyalty to the patron above duty to society. For example, the leaders of the medical profession formerly insisted that the physician has no right to speak of any ailment or defect he may learn of in his practice.

In view of what we know about the communicability of diseases, is such secrecy ethical? If a health officer may nail a sign of warning on a house with a case of smallpox or scarlet fever, surely the physician is not bound to withhold all warning. Take the situation in Brieux's play. A young man not yet fully cured of a "social" disease plans to marry an innocent young woman. Is it right for his doctor to hold his tongue when her life and the sanity of her children are at stake? The new medical code sidesteps the problem by bidding the physician confronted by this type of case "act as he would desire another to act toward one of his own family under like circumstances." The truth needs to be hammered home that there exist certain racial and social interests which the doctor may never subordinate to his patient's desire for privacy.

The office of attorney was created some six centuries ago to relieve the individual litigant of going personally from a distant part of the kingdom to attend the King's Court.

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At the outset the attorney seems to have been merely an agent standing in place of a principal. Although the profession has been slightly socialized by the requirement that the lawyer be of good moral character and learned in the law and by the theory that he is an officer of the court, the current conception of the lawyer's duty is still far too individualistic to justify the prominence given to lawyers in our judicial system or the maintenance of law schools at the public expense.

What, for example, is more at odds with common sense than to justify the advocate who defends an accused person whom he knows, or has good reason to believe, to be guilty? The excuses offered for aiding the culprit against society are mere sophistries, spun to gloss over the irresponsible practice of law. The argument that the lawyer who treats the accused as a criminal is presumptuously putting himself in place of the judge is a quirk that any bright schoolboy ought to see through. No doubt the guilty man should have the benefit of those forms of procedure which have been worked out as safeguards for the innocent. But such defense, if offered by an advocate appointed by the court, whose prestige is therefore not at stake, will not go beyond the proper minimum. On the other hand, the attorney who voluntarily takes such a case has a strong interest in getting his client off. Acquittal will enhance his professional reputation. So he does his best to thwart the prosecution and frequently succeeds in turning loose on society an unpunished criminal. Yet the public is bidden not to despise this mercenary who has deliberately thrust a spoke amidst the wheels of justice.

A society always hard put to it to keep down crime should never cease to resent and denounce the profoundly immoral maxim that a lawyer unbidden can without dishonor undertake any defense.

Guild Selfishness.

In the codes of the professions it is possible to detect traces of a selfish guild spirit. In the ancient Greek oath,

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the Asklepiad or hereditary physician swears "to reckon him who taught me this art equally dear to me as my parents, to share my substance with him and relieve his necessities if required; to look upon his offspring on the same footing as my own brothers, and to teach them this art if they shall wish to learn it without fee or stipulation, and that by precept, lecture and every other mode of instruction, I will impart a knowledge of the art to my own sons and those of my teachers and to disciples bound by a stipulation and oath according to the law of medicine, but to none other." Here one sees the endeavor to shroud in mystery the art of healing and to restrict the number of apprentices to the profession.

In the etiquette governing the relations among men of the same profession, there are things which savor of a conspiracy against the public. The old code for physicians forbade the consulting physician to give his opinion to the patient or his friends or anyone but the attending physician. "Neither by words nor manner should any of the parties to a consultation assert or insinuate that any part of the treatment pursued did not receive his assent." "No hint or insinuation should be thrown out which could impair the confidence reposed in him (the attending physician) or affect his reputation."

This rule is at once a betrayal of the truth, of the sick man who pays for the consultation, and of the public who have a right to know if the attending physician has bungled the case. Hence the later code says that "the benefit to be derived by the patient is of first importance" and declares that the consultant should be permitted to state to the patient or his friends the result of his study of the case in the presence of the physician in charge.

Even when the codes are flawless, the guild spirit is at work prompting members of the same profession to hang together at the expense of the laity. We see this in the difficulty of extracting an adverse opinion from medical witnesses in a suit for malpractice. Far more flagrant is the tolerance by judges of the outrageous fees charged by

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attorneys appointed to administer the estates of bankrupts and decedents and as receivers of corporations in difficulties. The way judges will allow property to be devoured by the rolling up of big fees for imaginary or superfluous legal services by their brothers of the bar is nothing less than scandalous.

The Purification of Professions.

The promulgation of rules which formulate the common understanding of reputable practitioners is, no doubt, a great aid to well-intentioned but inexperienced members of the profession. But an altogether more vigorous policy is needed if the ideals of professions exposed to the full strain of modern commercialism are not to become a mockery and a jest. The mandarins of China are a standing illustration of how far performance may fall below high-sounding professions. Honorable practitioners ought to to be relieved of the competition of unscrupulous men who have wormed their way into the calling for the sole purpose of gain. Otherwise, men of high standing will starve and the profession will be given over to men of low standards or of no standards at all.

It is, therefore, not enough to set forth a code of ethics as a lamp to straying feet. It is necessary to make it worth while for wobbly practitioners to live up to the code. In army and navy misbehaving officers are tried by court martial and dismissed, not for having broken any law but for having fallen below the standard of "an officer and a gentleman." Lawyers are regularly disbarred for flagrant practices and in some states physicians and public accountants may for unprofessional conduct lose their license. Proposals have been made that, after the society of a profession has made known its code of ethics, it shall create a standing committee on ethics which shall investigate all complaints submitted to it bearing upon the professional conduct of a member and after hearing the member involved shall report its findings to the council of the society. Publicity, reprimand, ejection from the so-

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ciety, dismissal from the profession constitute a gamut of penalties which might strike terror into the hearts of the shysters, ambulance chasers and jury-fixers who hang on the skirts of the law, or of the charlatans and blackguards who slip into medicine.

In fact, mere moral suasion no more suffices to keep the professions straight than public opinion suffices to keep the peace. In either case, tribunals and punishment are necessary. The good in each of the professions ought to be organized in order to pursue and harry the bad. Resistance to such organization comes not only from those who want a free hand in earning fees but as well from the individualistic tradition that nobody is concerned but practitioner and patron. And, in sooth, while the doctor gets his living from his patients, the lawyer from his clients and the editor from his advertisers, it is asking a good deal to insist that he shall behave as if he were a salaried civil servant. Nothing but strong discipline can induce such professions to become virtually branches of social service.

The opening up of non-private employment—such as that of government, of the philanthropies, and of the universities,—removes a deflecting pressure from the consciences of many professional men and promotes the growth of the spirit of service. Army and navy officers are proverbial for *esprit de corps* and devotion to their ideal of duty. The sale of instruction for profit is so nearly extinct that teachers as a body have developed a strong sense of the social aspect of their work. Earnest doctors feel that the salvation of their profession lies in its being absorbed out of the private illness service into the public health service, while thoughtful journalists see no hope save the advent of the endowed or public newspaper.

The Teaching of Professional Ethics.

Because of the rising tide of criticism of the professions and perhaps also owing to a growing fear of taint from commercialism, professional schools are making more effort to acquaint their students with the temptations and the

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standards of their future calling. This tendency has developed along with the movement to codify professional ethics and may be due to the same cause. From the investigation of Professor Jesse Bond, we know that about three quarters of the seniors in American law schools are receiving instruction in legal ethics averaging eight hours in amount. Of the twenty-eight law schools reporting the number of years they have maintained such instruction, eighteen have established their courses within the last eight years, *i.e.*, since the code movement gained prominence in the American Bar Association. One law school has just put in a fifteen-hour course on legal ethics while another contemplates a course of thirty hours.

In American medical schools, ethics has received little attention. Generally two lectures on the moral problems of medical practice suffice. Yet the newness of the courses shows that the subject is thrusting itself upon the attention of the schools. Out of twenty schools stating the length of time they have been giving specific lectures on medical ethics, sixteen began the work within the last six years and ten within the last three years.

About three fourths of the deans think such instruction is of high value, while the rest have little use for it. Most of the objection springs from the notion that "honesty and integrity," "the Golden Rule," or "being a gentleman" fully equip a young man to solve all the ethical problems he will meet in his practice. For these no special instruction is required, or in any case the professional school is far too late a place to begin.

The best refutation of this notion is the statement of Mr. Boston, the chairman of the Committee on Professional Ethics of the New York County Lawyers' Association as to the character of those availing themselves of this famous "legal clinic." "They have included established practitioners of high ethical standards who were seriously perplexed by their own problems and desired independent and unbiassed counsel; laymen who wished to regulate their own conduct toward the profession by the advice

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given; young men recently admitted who were uncertain of what is esteemed the proper course; law students who have sought advice respecting their conduct during their student period, and men who would probably be considered by the thoughtless to be wholly outside of and indifferent to ethical influences."

Elsewhere the same writer uses the following words: "In the hands of the wily the law can too often be misapplied to accomplish unjust results; it behooves the profession, as well as the people, to prevent so far as possible guile among its practitioners. Many men without the honorable traditions of the Bar before their mind's eye, are too apt to pursue merely the subterfuges which the law suggests. An early training in the best traditions of the profession will not only discourage such tendencies in the individual, but will tend also to create a general professional atmosphere in which it will be too uncomfortable for the guileful to live."

Limits to the Extension of the Professional Spirit.

Now that the social welfare has come to be considered as well as the claims of the individual, there is a marked tendency to expect too much from the diffusion of the professional spirit. Seeing that this spirit affords a means of mitigating and refining the workings of private interest without resort to the more or less uncertain and risky method of regulation by law or administrative board, some want to foster the professional spirit in occupations in which it is quite incapable of producing the hoped-for benefits. It is too much to expect one to put quality of service above gain when one is the employee of a man who prefers gain to service. Generally the servant will be obligated to do his work according to the ideas of his employer. When, therefore, in the production of any service, capital comes to be a factor so prominent that the capitalist hires labor instead of the laborer hiring capital, we shall have a business rather than a profession. All the more will this be true, when, as in the case of the newspaper,

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the rendering of a public service is inextricably bound up with the sale of a profitable commercial product like advertising.

Hence the hopelessness of trying to redeem the newspaper by fortifying with the professional spirit young men preparing for journalism whose probable lot will be to be the salaried employees of newspaper owners actuated by the commercial spirit. Good, indeed, will come of it, so far as newspaper men with ideals make themselves indispensable to their employers or get newspapers of their own. Walk-out or boycott would, no doubt, bring to terms the newspaper proprietor who construes the acceptance of his pay as the sale of a soul, but it seems idle to expect newspaper men ever to develop such a professional solidarity as to present an unbroken front to the exactions of their masters. If the commercial newspaper rises to the high function committed to it in modern society, the cause will be not so much the substitution of high ideals for low ideals in the minds of newspaper makers and publishers as the ability of the reading public to discriminate sharply between the bad newspaper and the good newspaper and their willingness to give the latter the support it deserves.

The stage is in much the same state as the newspaper. Acting may be a profession, but the production of plays is a business. Little is accomplished toward making the stage the great social institution it is capable of being by creating among playwrights and players a sense of responsibility for what they do, so long as what they shall present and how is determined for them by theater managers, most of whom are dominated by greed unashamed. If the despotism of sordid commercialism over the theater is broken, it will be by the rebellion of theater-goers rather than by the revolt of stage folk.

It is easier to keep frauds and sharpers out of a learned profession than out of trade. In the absence of any means of clearing out the crooks, it is vain to hope to purify the morals of trade by fostering in the business man a pro-

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fessional pride. In the making and vending of goods the competition of the crooked man with the honest man is much more deadly than is the competition of the tricky lawyer or doctor with honorable lawyers or doctors. The latter may in some degree brand the trickster by refusing to be associated with him in a case. Moreover, in a profession the bad man can capture from the good man no more practice than one man can attend to, while in manufacture or commerce the man quite unembarrassed by moral standards may expand his business until he has stolen most of the customers of his conscientious rivals and forced them quite out of the trade.

Nevertheless, even if the branches of business are not to be made into so many professions, it does not follow that the good in business men may not be better organized to fight the bad. The preparation of young men for business life in schools of commerce in which moral problems are considered in advance of temptation and high standards of conduct are held up is likely to have a good effect. Until commercial practices are studied in a disinterested way, honest men in the same branch of business will not have thought through their special ethical problems and will therefore disagree as to where they ought to draw the line. But after such problems have been clarified by discussion in special associations, journals and schools, and young men enter business with clear-cut and uniform distinctions between right and wrong in trade practice, it is possible for them by joint action to expose or punish the dishonest competitor until he is no longer a menace to them. In so fluid a medium as business, indeed, war to the knife is the only honorable reply men can make to the silent sapping and supplanting to which they are subjected by unscrupulous rivals. The crooks are not in the least obliged to fight the honorable men in order to eliminate them from the business; but the honorable men must openly and relentlessly fight the crooks if they are to escape ruin. In this struggle the public has so keen an interest that it should endeavor in every way—by laws, by rulings of trade and

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commerce commissions and by boycott—to help the champions of good practices to gain the victory.

When it comes to making the large commercial corporation a tractable social servant, the difficulty of control from within becomes insuperable. The ultimate authority is, of course, the will of the stockholders, but in most cases the stockholders are too numerous, remote and scattered, too ignorant of the business and too little acquainted with one another to have any definite opinion as to the right and wrong of the practices of their corporation or to make such opinion effective if they had it. However excellent their character, their virtues do not extend to and purify their corporation. However richly developed their personality, about the only part of them influential in the management of their corporation is their quite natural and innocent hankering for dividends.

Because in the end this incessant hankering triumphs over every other force within the enterprise, little is to be done by attempting to foster the professional spirit in the officers and managers of business corporations. It may just as well be recognized first as last that the structure of such entities furnishes a poor soil for disinterested motives, just as alkali furnishes a poor soil for orange trees. Regularly the corporation will follow the line of what appears to be maximum profits for the long run unless it is constrained by an outside force. While in the true profession the practitioner is made into a faithful servant of society by control from within, the business corporation is not to be made such save by control from without. In its case control is external and is exercised by law, administrative board, labor organization, shippers' association or other outside agency.

EDWARD ALSWORTH ROSS.

THE UNIVERSITY OF WISCONSIN.

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IDEALS AND INSTITUTIONS—NEW TESTAMENT AND OLD.

J. DASHIELL STOOPS.

THE meaning of religion among both the Hebrews and the Greeks began to undergo a distinct change with the downfall of the state. Among the Hebrews the oppression by great world powers brought about the development of what is known as Apocalypticism, the view that the old prophetic kingdom of righteousness would be introduced by immediate divine interposition. This view is set forth in the book of Daniel which belongs to the second century B.C. In the next century thorough-going doubt arose as to the possibility of the old prophetic ideal of a righteous society to be set up on the earth. The Gospels reveal a state of tremendous tension in the minds of Jesus' contemporaries regarding the meaning of the kingdom of God, not only regarding its nature but also whether it is to be a heavenly or an earthly kingdom. And this Hebrew development is precisely parallel to the development of the Greek religion. In Plato's Phædo we have a clear statement of the Orphic movement of thought which began about the sixth century in Greece and which concerned itself less and less with the old city-state. The death of Socrates was to the Greek what the Exile was to the Hebrew; it turned the mind in on itself; it weakened men's loyalty to the old local, ethnic state.

In the teaching of Jesus the old prophetic hope of a righteous society to be set up on earth still exists. But the same historical tendencies which transformed the Greek ideal of the city-state into an "inner" spiritual ideal are to be observed in the New Testament. The crucifixion of Jesus must have tended powerfully toward such a transformation. After the crucifixion the spiritual or non-political view of the kingdom became universal. It is practically the New Testament view if we exclude the

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synoptic Gospels. It is clearly stated in Hebrews that since men have no abiding city on earth they seek a heavenly city. Owing to the overwhelming influence of the Pauline theology this view has been almost universally regarded as the New Testament view of life. The kingdom on earth which still survived in the teaching of Jesus faded out of men's minds in the light of the awful fact of the crucifixion. The predominance of the Pauline view practically eliminated the institutional and political ideal which came down from the old Hebrew prophets. The Christian ideal became identified with a purely "inner," spiritual, non-worldly, heavenly view of reality. Christianity no longer concerned itself with nations, with races, with the old institutions of the family, the state, industry and education. It concerned itself with the inner life, with faith, with attitudes of mind, with a mystical, non-worldly conception of life.

This type of Christianity was the logical product of the Hellenistic period. The universal sway of Rome had destroyed the old intense ethnic loyalties. One's own individual faith was regarded as a greater thing than kinship with Abraham. Religion now concerned itself with souls, not with ethnic groups. It was this view which produced such warfare between Christianity and Judaism. But it was the same war which existed between Dionysus and Apollo, between the religion of Epictetus and of the Emperor Julian and that of Homer.

The old world, however, centered in the state, the family and industry. It was stubbornly real; its objectivity and permanence remained in stark opposition to the newer ideal of the inner life. Neither kingdom could annihilate the other. And the Middle Ages is the dual system which resulted from the truce between these two ideals—the one incarnated in the Empire and the other in the Church. The Platonic, the Hellenistic and the primitive Christian conscience became the conscience of the mediæval Church; the old ethnic social institutions of paganism furnished the groundwork of the mediæval State.

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In the Reformation we see the religious phase of the modern struggle for freedom. And it was but natural that the reformers should seize upon the individualistic elements of the New Testament in their attack upon the authority of the Catholic Church. For Luther the Gospel was practically synonymous with Paul's doctrine of justification by faith; the Law in the mind of Luther stood for a sacramental, priestly system of salvation. The individual had little or no part in such an ecclesiastical régime. Instead of this institutional, sacramental method of salvation, Luther insisted on faith, on volition, on the response and activity of the individual in the scheme of salvation. Protestantism stood for individualism, just as Catholicism had stood for solidarity. The protestant emphasis on conversion, change of heart, belief, personal experience, is an individualistic emphasis. The religious experience of Europe and America is the psychological result of the Renaissance, the Reformation, modern experimental science, Romanticism and individualism. And in this entire modern struggle for liberty and freedom, the New Testament, especially the Epistles of Paul, has been one of the most powerful weapons.

Individualism, however, as a philosophy of freedom directed against a system of institutions founded on authority, on tradition and privilege, is one sort of individualism, and individualism as an end in itself, prolonged after the battle of freedom has been won, is another sort of individualism. Individualism of the former type represents a necessary stage in the evolution of a free society. It is a necessary preliminary stage if the institutions of society are to be put on a basis of freedom. Individualism of the latter type treats each individual as a separate end in himself and tends necessarily toward social disorganization. Individualism down to the middle of the nineteenth century was the philosophy of progress. So long as the institutions of society, the state, the church, the family, industrial organization, education, are not the natural expression of the individuals who make up society; so long as institutions are

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imposed on individuals without their own consent, individualism means progress. But when freedom of contract has taken the place of authority; when force has given place to will; when external constraint has been followed by internal motive and rational choice,—the movement of individualism has accomplished its purpose. From this point on, individualism means conservatism; it makes for disorganization; it represents the backward and not the forward look.

Luther's statement that living as we now do in the body, we are not "thoroughly and completely inner and spiritual persons" shows that he regarded personality as consisting essentially of a purely interior life which must necessarily make impossible any organic view of the relation of the individual to the world of social institutions. The criticism which Catholics make of Protestantism is that it is rationalistic and individualistic, that it regards the individual as an independent reasoning and willing agent. And Luther's attitude toward ritual and ceremony justifies this criticism. Works, ritual, ceremonial, habit, tradition, Luther regarded as but external scaffolding to be torn down as soon as the edifice of life could be grounded in faith! We now know that such psychology is untrue to life. Faith, will, and reason are elements of experience, which presuppose a "foundation of routine," a substructure of instinct and habit, of ritual and tradition.

This is the basis of Nietzsche's criticism of the New Testament. It is interested, he says, in individual souls, not in peoples and nations. The soul has sloughed off its racial qualities; it no longer recognizes a history. It repudiates its relationship with Abraham; it puts itself forth as the absolute in-itself-ness of ultimate reality. It speaks a language of "ipsissimosity." This is why Nietzsche prefers Moses and Homer to Paul and Socrates. The race, he thinks, is a greater thing than the "soul" of a Paul or an Augustine. His condemnation of Socrates and Plato, of Paul, Augustine, and Dante, is based on his view that the race is greater than the individual; that nationality is a greater thing than individuality.

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This emphasis of Nietzsche on the race is in line with the most creative thought since the middle of the nineteenth century. Modern biology has given us a very different sort of psychology from that which is found in the pages of Locke and Hume, of the Mills and of Bentham. These men were trying to free the mind from the shackles of authority; they were apostles of freedom; they were therefore individualists. Our problem to-day is very different. With a thoroughly-established democratic tradition, with a wholly individualistic theory of social institutions, our greatest problem is to give a new and larger definition of the individual. The great individualistic philosophers of the eighteenth and nineteenth centuries by defining the individual in terms of reason and freedom undermined all social institutions incompatible with individual freedom. The problem of the present is to add to our definition of the individual in terms of reason and will and freedom an interpretation of the individual in terms of racial instincts and emotions, of group sentiments and traditions. Our problem is to define the individual in terms of institutions as well as in terms of individual reason and freedom. Defining the individual in terms of reason and will and freedom made impossible institutions that are incompatible with the liberty of the modern democratic conscience. But this gave only a negative, formal, abstract freedom. The problem of to-day is to define the individual in terms of freedom and of institutions at the same time. The nationalism and individualism of the eighteenth century set the mind free from institutions which were incompatible with freedom of thought and action. When, however, this revolutionary process is completed, the perpetuation of the old negative individualistic philosophy is conducive to social disorganization. Individualism as a permanent philosophy of life means endless confusion. Only as the individual seeks his own good along the lines of conduct of most value to institutions and to society and to the race can he find a life of greatest worth. We are beginning to see, as the Hegelians have pointed out, that the family, the community, the

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school, the state, and industrial organization, in short, that institutions, are not "external" means which the individual may or may not use but that they are absolutely essential to personality itself.

Now the New Testament is more concerned with moral purity than with the institution of the family. It is more interested in a certain moral ideal than with any body of knowledge with which the schools are concerned. With regard to the state it is studiously noncommittal. The only vocation considered is the propagation of the new kingdom. The New Testament is the product of the Hellenistic age. It is not concerned with the traditional institutions of society. It is concerned with the inner life; its virtues are faith, hope and love. On the other hand, if we turn to the Old Testament we find the family and the state cherished and defended. Family solidarity, tribal loyalty, a community consciousness, a civic conscience, are the foundation stones of the Old Testament moral and religious consciousness. Moses and Elijah, Isaiah and Jeremiah are what they are because of their relation to the problems of Israel's national life. It is not the attitude of soul; it is the objective institutions of society with which the Old Testament is fundamentally concerned.

Our own ethical thought has been turning a new corner since about 1850. Down to about this date the English-speaking world was freeing itself from authoritative institutions. The central aim in religion and morals and politics was the attainment of individual freedom. The creed of individualism was the badge of progress and reform. And during this stage of our moral and social development the religious conscience conceived of the New Testament as superseding the Old Testament. We saw the Old and New Testaments from the Pauline point of view. The Old Testament represented the law; it stood for authoritative institutions. The New Testament embodied the spirit of freedom, of faith, of love; it put the inner life of the individual above the authority of tradition and of the law. But since about 1850, having won our battle for freedom

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and individuality; having gained control over the machinery of the state; having secured liberty of conscience in the field of religion, a wholly new problem of ethics and religion and government has begun to confront us. The new problem is: How can we use our newly-acquired individual liberty in such a way as not to endanger the foundations of social institutions? And if the English, under the leadership of such men as Milton, Bentham, James Mill, Stuart Mill, and Herbert Spencer, led the way toward individual freedom, German thought, as interpreted by Hegelianism, has led the way toward a synthesis of individual freedom and social institutions. Under the leadership of such men as the Cairds and Mr. Bradley,—and in America there stands out the name of Professor Royce,—the English-speaking world has been taught to think of the individual as realizing himself, and indeed as existing, only in and through that very world of institutions which to the mind of the eighteenth century seemed to negate the liberty and life of the individual. Of course these institutions are to be the objective embodiment of free individuals; nevertheless these free personalities no longer think of themselves as opposed in their nature to organized institutional life. Individuality is now seen to be real only in and through institutions. From this point of view the New Testament takes on an altogether new meaning. It is no longer an end-in-itself. It does not negate the Old Testament. The faith and love, the liberty and freedom, of the New Testament do not make unreal the social institutions of the Old Testament. As we have learned in our own experience that individual liberty can be vital and real only in and through organized institutions, so we are prepared to see that the ideal of freedom and liberty depicted in the New Testament can be brought into existence only as this new ideal can be used to transform those very institutions with which the Old Testament is so fundamentally concerned. The New Testament ideal of a kingdom of righteousness can be made real only in so far as the New Testament ideal founded on love and free-

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dom can be incarnated in the permanent social institutions of the race—the family, the school, the professions, the world of industry, the state, and the church as the organized machinery of the religious life. And just as we find in the New Testament the spirit of love and liberty, so in the Old Testament we find the best classical expression in literature of those moral ideals which underlie the fundamental social institutions of the race.

But, some one will say, are we to be expected to go back to the tribal consciousness of a Samson? Are we to reinstate the patriarchal family life of ancient Israel? Is each nation once again to regard its capital city as the dwelling place of its God? Of course not. But is this any more impossible than to expect men who have our modern political, social and industrial consciousness, our biological conception of the family, to be vitally devoted to the Hellenistic ideal of an "inner" life which is absolute and self-contained and which regards itself as independent of the physical and political world? Each of these ethical ideals, —the institutional consciousness of a David and the Hellenistic, mystical consciousness of a Paul,—represented the highest advance of the moral consciousness of their respective epochs. But neither apart from the other can ever again be the ethical ideal of the world. The old local blood loyalties of the Old Testament must be universalized through the spirit of the New Testament. But it is equally true that the ideal of the "inner" life which the New Testament (excluding possibly the Synoptic Gospels) shares with the Hellenistic age can be made real for us of to-day only as these virtues of the inner life,—faith, hope and love,—are embodied in objective interests, in social institutions, in the world of the social sciences. The objective institutions of the Old Testament and the virtues of the inner life of the New Testament are but the outer and inner aspects of a fully developed moral consciousness. The teachers and idealists of the Hellenistic age were compelled to divorce their ideals from the political and social world of the time; this "internalization" was at the time

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their only salvation. Our age, however, with its special problems, needs a new emphasis. We need not a retreat of the inner life from the institutional order but a transformation of objective institutions so that they may embody the New Testament spirit and ideal.

The meaning of the antithesis between the Old Testament and the New Testament is then the antithesis between institutions and states of mind. The institutions of society are given in their rough outlines in the Old Testament. The New Testament as a whole is concerned not with institutions but with an inner state of mind. It embodies the philosophy of life of the Hellenistic age. But it is a false antithesis to separate the inner individual experience and the institutions of society. We ought to speak of the inner and the outer or the individual and the social phases or aspects of human experience. And this clears up the antithesis between the Old Testament and the New, for neither the institutions of the Old Testament nor the inner ideal of love in the New Testament can stand alone. The one gives content, the other gives meaning to experience. The Hellenistic ideal of the inner life, taken by itself, is a disembodied idea; the ethnic institutions of the Old Testament taken by themselves are outgrown forms of historical morality. The ethical purpose of the New Testament ideal is to raise the ethnic institutions of the Old Testament to a higher moral level. Only by transforming the institutions of the race, whose rough outlines are embodied in classical form in the Old Testament, can the New Testament ideal save itself.

J. DASHIELL STOOPS.

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RELIGION AND LIFE.

S. RADHAKRISHNAN.

THE question which has come in for much discussion recently is about the ideal man. Is he a man of character or a man of action? More accurately, is he a man of piety or a man of the world? The two are considered incompatible. The mystics, the saints and the sages of any country have no interest in the affairs of the world. These religious souls are engrossed in their communion with the eternal and let go the whole world, in the impression "all's right with the world" for "God's in his heaven." They develop a sort of mystic, contemplative attitude which is mainly passive. They drink deep of the cup of religion and that seems to atrophy their practical sense and paralyse their motor energies. They feel suspicious of the strenuous activity of very ardent souls. Among the active workers of the world there does not seem to be any strong religious bias. The very name, man of the world, has come to signify one who is indisposed to religious sentiment or enthusiasm. A religious man of the world is an exception and not the rule. The deeply religious minds have no interest in mundane affairs; active public spirited citizens have no concern for their souls. Is one to face the alternative, either life without religion or religion without life? If there is no escape from this dilemma, religion will fall on evil days. Let us then ascertain, if this general tendency of cleavage between religion and life is an inevitable one. What is the significance of religion for life?

I.

The inadequacy of our experience both from the intellectual and the moral standpoint raises the problem of religion. We wish to know if there is anything else to supplement our empirical world. On the intellectual side

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we have for our ideal of truth, a complete, harmonious and all comprehensive whole. The world of isolated facts, we come across, is, at best, finite and conditioned. It does not satisfy our ideal. Logic becomes a problem. On the moral side—and it is here that the incompleteness of our experience is *felt* by all men—it appears as a contrast between our soul's ideal and our actual will. Our soul presents us with a moral imperative which is felt by the individual as an imperious obligation which will brook no rival. It is a categorical imperative. It unconditionally asks us to do this, refrain from that. But our actual will contests its higher birth and pays homage to the temptations of sense. Not that the individual in his sober moments does not recognise the moral law to be right. As Socrates says, man has only to see the good to become desirous of it. But the lower self of man fights against the assertion of the moral law. When Augustine prayed "Give me chastity, but not yet" his higher self distinctly warned him to be pure but his lower self impelled him to indulge a little longer. Every seeker after righteousness will endorse St. Paul's words "The good which I would I do not; but the evil which I would not, that I practise. I find then the law that, to me, who would do good, evil is present. For I delight in the law of God after the inward man; but I see a different law in my members, warring against the law of my mind and bringing me into captivity under the law of sin which is in my members. O wretched man that I am! who shall deliver me out of the body of this death?" The Indian mystic poet Tagore, in his own inimitable way describes the schism or anarchy within us:

"Obstinate are the trammels, but my heart aches when I try to break them.

"Freedom is all I want but to hope for it I feel ashamed.

"I am certain that priceless wealth is in thee and that thou art my best friend, but I have not the heart to sweep away the tinsel that fills my room.

"The shroud that covers me is a shroud of dust and death. I hate it, yet hug it in love.

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"My debts are large, my failures great, my shame secret and heavy; yet when I come to ask for my good, I quake in fear lest my prayer be granted." (Tagore: *Gitanjali, Song* 28.) The consciousness of this struggle in the soul is the first step in the great spiritual awakening.

Again, there is always, on the part of our will, an effort to adjust itself to the ideal. In this struggle for adjustment, our efforts will lose all sense and significance, our life, its vitality and power, unless there is a higher life which is real. Without faith in the reality of the moral ideal life will be but a chapter of accidents. Like a ship without sail or rudder, it goes hither and thither. Man strives towards the ideal; wants to progress. He meets with opposition; he has to fight for the ideal. The conditions of the universe including the animal nature of his own organism, make it hard for him to attain the ideal. Man has to maintain his aspirations against a hostile universe. Sometimes, when he sees evil triumphant in the world, he loses all hope and despairs. The moral law which touches his heart breaks down. The galling injustice of the world strikes him with wonder and awful amazement. His voice trembles, his soul shudders and his heart breaks. Even the most fortunate, he finds, do not realise all they wish for. Finiteness, impotence, and failure are writ large on the face of history. With his heart torn by misery and distracted by life's contradictions, from out of the sphere of struggle, he looks up to heaven to catch glimpses that may make him less forlorn. What must I do to be saved? Who shall deliver me from this temptation? Is the moral ideal a dream and am I fighting only a sham fight against the tremendous forces of evil and wickedness? Or is it a reality that is ultimately bound to succeed in spite of all this big show of Satan and his forces? Am I helped in this fight and struggle by the powers of the universe or am I fighting only a losing battle? This is the problem of life with which every thinking soul is astir, at the start. For help in the pursuit of our moral ideals, we require a religion which shows that the demand

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of the moral consciousness is a practicable one. This is why Voltaire says, even if there is no God, we have to invent one. Religion must give us the warrant that the moral case will succeed. Life is a battle. It involves a risk and as sensible men we crave for a working probability that all shall be well in the end. We have to realise that it is not a battle where we are foredoomed to defeat. It is one where we have a fair fighting chance of victory, where the forces for us are stronger than the forces against us. It is then, when religion dawns upon us, that we find life to be worth living and we array ourselves on the side of the spirit in opposition to the flesh.

Thus it is the contradictions of life that drive men to religion. Discontent with the actual gives rise to the religious problem. As Auguste Sabatier says, religion "is born in tears." It is the feeling of the incompleteness of the actual that is "the rent in the rock through which the life-giving waters flow." The problem of religion is an intensely practical one. It attempts to solve the enigma of life.

II.

In the solution of this problem of life which is the problem of religion, there is a transition stage which sometimes leads men astray. Life is said to be a contradiction and therefore unreal. The part of wisdom lies in forsaking it and seeking the real and the permanent within the subjective consciousness where we come into touch with a higher spiritual reality. The passive and humbled soul which finds life to be permeated through and through with paradox and misery turns inward and there the Divine voice speaks to him in unmistakable terms. He gets assurance through feeling and intuition that there is a spiritual element which is real and good. To catch the spirit of religion we have to turn away from the busy world. Immediately by a false turn in logic, the spiritual and the ideal is opposed to the human and the natural. The seeming sweetness of nature is but a show and all things mundane are unclean. "What

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shadows we are and what shadows we pursue," if our vision is focussed on the actual and the human. The mystic shakes off the dust which is flesh and enters into the inner sanctuary of the soul and there lives a joyous life of light and gladness. Tearing himself away from life and work, he seeks pleasure in raptures and ecstasies of the subjective consciousness. Every great religion has passed through this stage. The Vedantic idealism, the Buddhist philosophy and the Christian thought all have experienced this spirit. I need not here dwell at length on the first two since, even to-day, they are considered to be pre-eminently other-worldly in spirit. The religion of Christ generally passes for a social and practical creed and we will show here how it is not all that it claims to be. Christ said, "If any man cometh unto me and hateth not his own father and mother and wife and children and brethren and sisters, yea and his own life also, he cannot be my disciple." To obey the maxims of the New Testament would mean the collapse of civilisation. The precepts, resist not evil, turn the other cheek, represent an ideal impossible to human nature and inconsistent with the conditions of human society. Luthardt, the Leipsic theologian, feeling this difficulty of practising Christian virtues consistently with the duties of this world, is reported to have said that any attempt to maintain a social order on earth according to the doctrines of Christ (strictly interpreted) would be "the proclamation of anarchy." In the middle ages, Christians thought that the kingdom of God was not of this world. No transformation of existing conditions would do. The prevailing order of things was given over to satanic misrule and all thought of renovating the world from within was given up. They expected a change but it was not a gradual historical development to be achieved by the efforts of men but a sudden cataclysmic revolution to be achieved by a second supernatural coming of Christ. Christian ethics was then essentially eschatological. The Christian attitude to the world was one of uncompromising hostility. World's work never coincided with the service

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of the supreme spirit. "Render unto Cæsar the things that are Cæsar's and unto God the things that are God's."

But this attitude of aloofness from the world cannot be justified. Till we get back to life, we live in a region of abstractions. The life of the mystic who sees visions without applying them to life, is as much of an unreality as the life of the unreflective man who stumbles from one particular to another and who identifies his life and interests with those of his petty selfish ego. He will have principles but no facts to apply them to. The beauty of the inner life must shine through! How can the mystic who loves the larger self, live, without loving the particular expression of that larger self? Though it is not right for any individual to love his *own particular* self, still he has to love *a* particular, for it alone is the fitting embodiment of the universal which every one should love. Professor Bosanquet says "*A* particular is all important to each; but this particular is not his own particularity but another's; and moreover it is no longer to him a particular but takes on the value of a world. It is this that the desire of eternity really signifies." (*Individuality and Value*, page 23.) Therefore, it is of no use to withdraw into oneself and abstain from the activities of the world. Instead of solving the riddle of life, the mystics explain it away, and this is a defective attitude to life. The weakness of mysticism therefore lies in that it represents the essential element of religion as the sole and exhaustive expression thereof. To the mystic consciousness, religion seems to lie in an absorption into the universal being, consequent on the extirpation of the human *qua* human and extinction of the particular as such. This absorption into the universal is really a negative conception. It means simply giving up the ties of the world and rising above the petty cares of existence. In considering the human as an element opposed to the spiritual, it lays stress on transcendence at the expense of immanence.

Though the logic of mysticism is thus inconsistent, the problem was solved in the lives of the great mystics. Logic

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has the trick of adapting itself to the push of circumstance, and practical beliefs do not travel on logical credentials alone. The great Buddha, when he found out the bliss of deliverance did not keep it to himself but communicated it to the world. "I am the perfect one, the Buddha. I have attained to peace. I have won Nirvana. I go now to the town of Benares to found the kingdom of righteousness. There will I beat life's drum in this world of darkness." Buddha's life shows, however deeply religious a soul might be, its religion must express itself in love. No man has a right to attain solitary salvation at the expense of his duties to others. The finest words ever spoken on this subject are those by Buddha. "Never will I seek or receive private individual salvation; never enter into final peace alone; but for ever and every where will I live and strive for the universal redemption of every creature throughout all worlds. Until all are delivered, never will I leave the sphere of sin, sorrow and struggle." Sri Krishna has so much the interests of the world at heart that he says "whenever there is a decay of religion, oh Bharata, and an ascendency of irreligion then I manifest myself. For the protection of the good, for the destruction of evil doers, for the firm establishment of religion, I am born in every age." (*The Bhagavadgita* IV, 7–8.) "The son of man came eating and drinking." As a reaction against the externality of the Old Testament teaching, Christ laid stress on the inner core of conduct but from this it does not follow that the outer is to be destroyed or is contrary to the inner. The transcendental ideas of morality and religion became dynamic in Christ's life and conduct. With the abiding consciousness of the oneness in spirit and conduct, he lived in the world, though 'unspotted from the world.' Thus the abstract nature of mysticism, pure and simple, made itself manifest in the lives of the great religious leaders who have not been oblivious of their duties to the world. Greater mystics than Buddha, Christ, and Krishna we cannot think of; but more practical men there never were. With them all the word did not remain

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word but became flesh. But if the mystic, without caring for the world wants to attain peace within himself, he is entirely selfseeking. Such a one represents, to use Mazzini's graphic expression, "the selfishness of genius." His soul contracts within itself, shrivels and dies. In the inner light the mystic should live and not perish; and life is action and not thought or feeling in and by itself.

But it may be asked, are not these religious leaders supporters of an ascetic code which requires man to give up his self? Yes; but they are not, so far as the present writer can follow them, supporters of quietism and inactivity. The asceticism which Buddha preaches demands the abolition of the evil tendencies of man. Says he "I preach asceticism inasmuch as I preach the burning away of all conditions of the heart that are evil. One who so does is a true ascetic." In a conversation with Sadhu Simha, he says "it is true, Simha, that I denounce activities; but only the activities that lead to the evil in thoughts, words and deeds. It is true, Simha, that I preach extinction, but only the extinction of pride, lust, evil thought and ignorance, not that of forgiveness, love, charity and truth." Sri Krishna says: "He who without depending on the fruits of action performs his bounden duty, he is a Sanyasin and a Yogin; not he who is without fire and without action." (*The Bhagavadgita* VI. I.)[1]

Thus the sheer stress of facts and logic has driven the mystic consciousness to transcend itself. Mysticism is positive and should find expression in a world of beauty and love. Modern mystics and students of mysticism testify to it. Tagore says "Deliverance is not for me in renunciation." (*Gitanjali, Song* 73); Florence Nightingale believed "in the service of man being the service of God." "I care very little to express faith anywhere but in life" said Octavia Hill. Again "God has been always pleased to build His best bridges with human piers, not angels, not working by miracles; but He has always let us help

[1] See the author's paper on the Ethics of the Vedanta. INTERNATIONAL JOURNAL OF ETHICS, January, 1914.

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Him if we will, never letting our faults impede His purposes when we struggled that they should not." Father Tyrrell in his posthumous work on "The Church and the Future" said that the religion to which he looked forward would consist of "mysticism and charity," in other words, love of God and love of man. According to Inge, mysticism may be defined as "the attempt to realise the presence of the Living God in the soul and in nature." (*Christian Mysticism*, page 5). Thus we see that the function of religion is not merely to pacify the troubled soul but make it enter with faith and hope into the work of God which is to make the earth the visible symbol of God's law.

III.

Life presented its contradictions and religion became a problem. Reality was sought in the purely subjective. The preceding paragraphs have disclosed how neither the purely subjective nor the purely transcendental is adequate to the solution of the problem of life. Here, as every where else, truth lies in a union of opposites. Immanent or objective idealism is the true solution of the riddle of existence. The ancient philosophy of the Vedanta, the idealistic systems of Germany and the conclusions of modern science, all point to objective idealism as the true solution. God is the self of the universe. He is my deeper self and yours. That famous text of the Chandogya Upanishad, which the vedantins are never tired of quoting sums up the chief points of objective idealism. "*Etadatmyam idam sarvam, tat satyam, sa atma, tat twam asi.*" (The whole universe is of the nature of That (Subtile essence). That is the true, That is atma. That art thou.) The whole universe is a living organism. There is nothing dead in it. It is one all-palpitating life. Doubt, sorrow and sin are all challenged by this new conception of religion. It gives us the conviction that evil, though not illusory, is transitory. Even death becomes a negligible incident in the ever widening process of the evolution of the spirit. "Nature red in tooth and claw" does not strike our atten-

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tion; on the other hand we feel the quiet "smile of the universe." The essence of all religion lies in the conscious realisation of the presence of God, the tacit recognition that the human spirit is but a note in the eternal harmony of the world spirit. So long as the individual thinks himself to be a separate atom in this immense universe, so long as the feeling of isolation has him by the throat, so long as he has the idea that he is the chief actor in the stage, he is in the world of Maya, and he finds that the whole universe is working against him and his aspirations are dashed to pieces by the forces outside. From his separatist standpoint he looks upon nature as something opposed to human interests, as something to be overcome, something to be caught in the net of intelligence which man spreads. He finds to his cost that the external nature is too much for him. If he thinks he is swimming against it, he is worsted. But the fact is that the stream of the universe is flowing with him, he is swimming with the current as he is *in* it. When we recognise the essence of the finite to be in the Infinite, when we realise that we are parts of a stupendous whole, when we know that we are but the instruments of a nobler purpose, we get out of the world of Maya. When thus we adjust our perspective and feel that we are indissolubly a part of the grand scheme of things, our doubts are dissolved, our contradictions disappear and we are reconciled to life. In the struggle with the moral ideal, we know that victory is on our side; God dwells in us. His is a presence that never fails; His, an ideal that cannot be defeated. The discouraging task of moral effort and struggle is transfused into the precious possession and joyous privilege of maintaining spiritual relationship with God. We have the unalterable conviction that we do our work under the ray of heaven. There is a supreme power watching over our battles and bound to lead the righteous to the accomplishment of their goal. What a solace in our failures! Even if we don't succeed for a while, we need not lose heart. God will triumph in the end, our efforts may fail; the waves on the shore may be broken, but the Ocean con-

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quers nevertheless. But if we lose the religious bond which binds us to a higher world our life becomes purposeless and illogical; if it holds us and sustains us, we feel we are working for a great end, a purpose not our own but yet in the highest and truest sense ours because it is God's. Such men to whom life is a divine enterprise, a mission dedicated to the service of the supreme spirit are the "soldiers of God on earth." Thus religion solves life's paradoxes.

It is the duty of every man to make the will of God prevail here below as it is above. The heavenly vision of unity, fellowship, fraternity or lokasamgraha in the expressive words of the Bhagavadgita, which we acquire during moments of reflection, should instead of producing lassitude and disgust, give strength to our moral sense and enable us to express ourselves in life so that our potential energies might become realised. This realisation can be effected only by means of a life of love and service. Why should we avoid life when even the supreme spirit "has joyfully taken upon him the bonds of creation"? (Tagore: *Gitanjali, Song* 11.) We have then a duty to discharge here on earth. No man can live for himself alone; for no man belongs to himself. He belongs to God and to humanity. He is an irreligious man who wraps himself up in his own self and interests himself in his own needs. The religious soul breaks the shell of egoism, finds itself in unison with the eternal and enlarges its consciousness so that it penetrates all the surrounding objects. This liberation from the trammels of the petty ego is the true liberation or moksha. *Unselfish conduct* is piety and its opposite sin. "A religious life which remains hidden in the individual consciousness, which does not create any spiritual solidarity, any fraternity of soul is as if it were not; it is a mere film of feeling, an ephemeral poetic flower which has no more effect on the individual himself than it has on the human race." In these words Sabatier lays his finger on the necessity of life for self-realisation. Our Rabindranath Tagore declares that "true freedom is not the freedom *from* action, but

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freedom *in* it, which can only be attained in the work of love." (*Sadhana*, page 78.) We can realise the divinity within us not by the contemplation of the 'starry heavens above' or 'the moral law within' but only by entering into the stream of things and participating in the grand evolution of the spiritual life to the best of our ability. Man is gifted with the powers of life and activity not to throw them away but to place them at the altar of humanity's salvation.

Thus religion is supremely significant for life. It is the endeavour on the part of the individual to give practical expression to his view of the relation of the finite to the infinite. A religious life is one where the individual appropriates a share of spiritual life. Religion starts in the opposition which exists in human life, shows the way to overcome it and requires man to overcome it. In contemplation, we see the heavenly vision as 'through a glass darkly' and in action, by obeying it we have to realise it. In religion, to know is to do and to do is to know. Religion consists in the doing of God's will on earth as it is in heaven. Thus religion has both a practical aim and a practical foundation.

IV.

This organic relationship between the religious spirit and active life should, in no uncertain voice, be announced to the people of India who are labouring under a false impression. The question was once asked by the town clerk of Ephesus "What man is there that knoweth not how that the city of the Ephesians is a worshipper of the great goddess Diana?" Similarly it may be asked "what man is there that knoweth not how that India is a worshipper of the great goddess Spirituality?" The very atmosphere in India is charged with spirituality. The Indian people believe in a tradition that religion and life are incompatible. The blood of Janaka who exclaimed when his capital Mithila was destroyed by a conflagration "while Mithila is burning, nothing that is mine is

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burnt" is running in their veins. How true is the poet who sang:

> The East bow'd low before the blast
> In patient, deep disdain;
> She let the legions thunder past,
> And plunged in thought again!

The people of India are mostly indifferent to the vital concerns of the world. They are prone to abstract meditation, and surrender themselves to the leisures of the spirit. The tradition has been carried to such a height that according to the census of 1901, out of a population of 268 millions—Hindus and Mussulmen—in India proper, nearly three millions were numbered as ascetics and friars. These ascetics publicly renounce all ties of the world and retire into forests and caves to do penance and such other things. Scriptural injunctions require every Brahmin to retire from the world when he feels old age creeping on him. Sadhuism seems to be quite germane to the soil of India. Centuries before the advent of Christ or even Buddha, Sadhus had been flourishing in the sacred soil of India. A begging friar has come to be the ideal of India while Christendom is represented by the Christian statesman; shall we say shopkeeper?

Let me at once confess that India counted among its Sadhus some of the rarest and noblest souls of the world. Almost all her great religious reformers were recluses. To pronounce their names is of the nature of an act of worship; to read their lives is to be lifted up to the mountain top where we breathe freely the pure and bracing atmosphere; to have known them, what shall we say? It is "part of our life's unalterable good." They are the salt of the earth; they are the light and hope of the world. The heights of love, charity and devotion of these sages of India, it is doubtful, if ever they were scaled, under different suns or distant surroundings. The glory of their asceticism transcends the majesty of world empires. But it is presumption and folly to expect that we could have three millions of such men, even in a country like India.

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Many of these are poor beggars who deceive the public by putting on the ascetic's garb. Grovelling in the dirt, wallowing in poverty, living on mendicancy they get on and when they die, the very trace of their existence is wiped out. But a large proportion of these three millions will be men of a fairly high degree of intelligence, a good deal of selfcontrol and a deeply religious bent. They could be of great service to India in her present transition. But even a stray visitor will be struck by the amazing and deplorable waste of energy which daily takes place in those veritable castles of indolence, otherwise known as monasteries and mutts where these ascetics lead a life of torpor and satisfied and dreamful ease. But they are not to blame. They are slaves to a superstition. They sincerely believe that strenuous life is opposed to spiritual perfection. Recently efforts were made to touch and quicken their slumbering conscience but not with much effect. The central Belur Mutt of Ramakrishna-Vivekananda Mission has issued a manifesto which says "spirituality and not political aggrandisement had been the backbone of the Indian people in the past and on that inheritance, we should stand firm, with good will and love and peace to all on earth, if we are to become again a glorious nation in the future." How true and yet how false! It is this onesided spirituality which holds political progress to be at the opposite pole to itself that has worked so much mischief in India. Spirituality of the monastic type has not been able to prevent India's fall, has not been able to save her from the invader and the spoiler. Life is no sin; it is no discord. From the religious point of view, it is a harmony. Life looks a derangement only when cut off from the spiritual purpose it serves, but when reattached to it, it is sacred. Religion then stirs and stings the spiritual life and puts power into the arm of the good. From this standpoint, spiritual life does not mean fellowship with God exclusive of fellowship with man. All life is spiritual, through and through, from first to last. To pray for one's country is not opposed to religion; to bring about a union of spirit to spirit within

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'the containing spirit of God' is not opposed to religion; to kindle a spark of divine love in the millions of hearts that lie so torpid and make them glow with the warmth of religion is not opposed to religion. The highest religion is love, fellowship and solidarity; it is to make all the Lord's people prophets. The spiritual energies which are pent up in the ascetics of India should be opened out into the regeneration of moral character and the bringing in of that social order which means perfection for all his brethren and not merely for himself. Let then the leisureliness and mysticism of the east give place to practical and social idealism. Let men who have no thought of self and who have good gifts and high talents place their powers at the altar of their country's good. Let them pour out their energies into the ideals and help the cause of progress.

> Gladness be with thee, Helper of the world!
> I think this is the authentic sign and seal
> Of Godship, that it ever waxes glad
> And more glad until gladness blossoms, bursts
> Into a rage to suffer for mankind
> And recommence at sorrow.

Here we are, individual expressions of the universal life, invited to the great feast of the evolution of the spirit. Why shrink from it? Let each man deliver his message from the infinite and realise himself.

It may be said that in our eagerness to emulate the activity of the west, we are exhorting the people of India, to cast to the winds her rich spiritual heritage. We do not hold up the ideal of work in any philistine spirit or in blind imitation of the west. We have already given reasons for our view that public spirit is the fulfilment of divine law. We have our eyes wide open and see that the civilisation of the west, which seems to consider the world to be not a place where souls are built but a thing to be bought and sold, is soulless. It is like a whited sepulchre with dead bones in it. The west lacks the spirit to lift her out of the sordid materialism in which she is sunk and which is eating out her very vitals. It is this spirit which ought

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to vivify and interpret matter. But India is at the opposite extreme. To her we say let your spirituality express itself in the world of facts and action. The goal for both is conscious purposive self expression or self realisation. India is now standing on the verge of a national renaissance. In this struggle for enlightenment and progress, it is the duty of her beautiful souls to come down to earth with their visions of heaven, participate in the struggle and give encouragement and sympathy to those who are working in the cause of the right. It is their share to shed sunshine on the path, strengthen failing courage, lighten sorrows, instil faith in hours of despair and lead India to her goal by the path of righteousness which alone exalteth a nation.

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BOOK REVIEWS

INTERNATIONAL RELATIONSHIPS IN THE LIGHT OF CHRISTIANITY. Lectures by various writers. London: The Collegian, 92 St. George's Square, S. W., 1915. Pp. iv, 195.

This little volume contains lectures given at the Interdenominational Summer School held at Swanwick last year. Such a collection, representing the work of many different writers, is inevitably unequal in quality, and it may be said at once that some only of these utterances seem to be worthy of reproduction.

Mr. Clutton Brock leads off with a delightfully written and suggestive essay on the Kingdom of God. He seems to have had in view, though he does not mention it, Loisy's recent pronouncement on Religion and the War, which seemed to suggest that the religion of patriotism is the only one which can be held uncompromisingly at the present moment. For Mr. Brock this is a betrayal of the higher interests of mankind. He traces the religion of patriotism to the "biological theory of life," or rather he thinks that the "biological theory" is appealed to as giving an apparent theoretical justification to this lower type of patriotism. Mr. Brock, on the other hand, finds in current events a proof that the ideal of the Kingdom of God must be held more firmly and more consciously than before. The European struggle is conclusive evidence that the "biological theory" has broken down in practice. Only by the re-establishment of the faith that man is more than animal and is in touch with a supernatural power can we find deliverance from the recurrence of slaughter.

It is natural to turn next to Mr. A. E. Zimmern's admirable address on true and false nationalism. He is at once a firm believer in the importance of nationality and a denier of the finality of the national state as a type of social organization. In his view the national state is an outgrown stage in political evolution, and he looks forward to a political system which, like that of Mediæval Christendom, will include and transcend many nations. America has, however, convinced Mr. Zimmern that the sentiment of nationality cannot be eliminated without great loss of moral values. "I watched the steam-roller of American industrialism—so much more terrible to me than Prussian or Magyar

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tyranny—grinding out the spiritual life of the immigrant proletariat, turning honest, primitive peasants into the helpless and degraded tools of the Trust magnate and the Tammany boss: and I realized that only by a conscious attempt to keep alive their links with the past could America be saved from the anarchy with which she is threatened." Internationalism must be carefully distinguished from cosmopolitanism. The ideal is that the source of self-respect which national sentiment provides, with its memories and instinctive loyalties, should be preserved within the larger social whole. Mr. Zimmern has given us no indication of the constitution of his International State nor has he considered the fact that national spirit has been developed through consciousness of distinctness and even of antagonism, that it has bitten deepest where there has been a struggle for independence whether successful or unsuccessful.

Probably many readers will turn with most interest to those lectures which discuss directly the Christian attitude to war. It must be confessed that the debate is here very unequal. The Rev. J. M. Lloyd Thomas gives an admirably lucid statement of the case for righteous warfare. He makes a strong point of the contention that the consistent pacifist ought to refuse to enjoy any advantages derived from the exercise of force. The consistent pacifist, in his view, is committed to anarchism. "He would be an inconvincible man who, in the light of actual history, insisted that men like Nero cannot sometimes sit on the throne of power, have the command of armies and the service of philosophers to justify their will to cruelty and power and to establish an empire of intellectual and scientific barbarism. To refuse to organize ourselves against the ruthless mania of such is, in my view, to consent to the extinction of the light that lighteth every man coming into the world, and to roll back civilization into the obscene shambles of the jungle and the cave." It is a pity that the pacifist case is not more convincingly presented in this book. The discourse by Principal J. W. Graham on "Christianity against all War" does not succeed in showing that there is any tenable *via media* between the condemnation of all force and the approval of righteous warfare. He hesitates to commit himself to the statement that he would regard it as right to stand by and witness a murder or rape without forcible interference, but he attempts to draw a distinction between warfare and "amateur police work." Is there no police work to be done in the larger

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scale of international politics? Or is a nation a mere aggregate of human beings without a soul to be degraded and filled with shame if it consents to a crime which it has promised to prevent? Mr. Graham hardly mends matters when he concludes his lecture by calling to his aid the "relativity of moral obligation," in the light of which he enunciates the extravagant paradox that it may have been right for the English Government to declare war in August 1914 but wrong for the Christian people of England to support them by joining the army.

The other contributions must be dismissed more briefly. How fast one lives in war! Already these lectures have an antiquated flavour. Mr. A. L. Smith in his valuable paper on Reconciling Influences still cherishes the "military gang" theory of the origin of the war. The Rev. W. Temple, in his paper on the influence of the Democratic Movement, thinks that while the Germans have the advantage of us in the application of conscious thought to problems where that method is appropriate, we have the superiority in dealing with "all human problems where an incalculable element is present." Probably this optimistic statement would not have been made so confidently now, at least if Mr. Temple had remembered the part played by Turkey, Bulgaria, Greece and the United States. His lecture is mainly occupied with the subject of education. Canon Masterman's paper on the Progress of International Comity throws some salutary cold water on some of the enthusiasms of his coadjutors. He finds little cause to attribute the antagonism between nations to diplomacy, secret or otherwise. There is no evidence that the way to peace is to be found in the declaration of war against nationalism. The wars of the nineteenth century have in the main been due to the refusal of governments to recognise and respect nationalism. He finds little hope of permanent peace in "democratic control" of foreign policy. He comes to the conclusion that the problem of international peace is soluble only by the power of religion and by that only as organised in a Catholic Church.

W. R. Matthews.

King's College, London, England.

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WAR AND CHRISTIANITY: From the Russian point of view. Three conversations by Vladimir Solovyov; with an introduction by Stephen Graham. London: Constable and Company, Ltd., 1916. Pp. x, 188. Price, 4s. 6d. net.

In his preface to these suggestive "conversations" by Vladimir Solovyov, Mr. Stephen Graham describes the author as having been Russia's "greatest philosopher," and a "serene and happy writer." It is always dangerous to label a man as the greatest of his country, but the latter phrase is well chosen, for only an author of wide sympathies and well balanced mind could have achieved this commentary on the most controversial subjects in so equable a temper. Solovyov, who published these dialogues on Easter Day 1900, the year before he died, was spiritually a follower of Dostoieffsky: he was entirely opposed in thought to the doctrines held by Tolstoy, and it stands to his credit that he never attacked Tolstoy by name, although this book saps the fabric of his creed by making it appear ridiculous. The chief subject of discussion is one especially occupying the minds of all western peoples to-day, so that this translation of a remarkable work is most opportune. As the "Politician" remarks in the first Conversation: "Every one always knew that War was evil . . . and wise people know now that it is a kind of evil which cannot yet be removed once and for all in our time." The five characters, who are all Russian, represent different well defined types of thought. The "General" naturally stands for glory and romance of War, and in the earlier pages he upholds the best traditions of the military spirit. His graphic narration of the one and only occasion when he experienced true moral satisfaction is admirably told. It was an incident in the Turkish war when the Bashi Bazouks had perpetrated such horrors on the natives of an unoffending village as were not unknown in Belgium more recently. The General, who felt impelled to bring vengeance on these bandits, was filled with an ecstasy "because he had acted without reflection or hesitation" and in a quarter of an hour had killed "not one man but over a thousand." The sequel is grimly amusing, for the General is forced to acknowledge that his own men, if not restrained by him, would have shown themselves robbers of the dead enemy."

Next comes the "Politician" who fully believes in the "es-

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tablishment of a lasting international peace"; he is firmly convinced, however, that "neither we nor our children will ever witness great Wars, real European Wars."

For the exponent of the great principle of not opposing evil by force we are given the Prince, who is the apostle of Tolstoyism. The third and last Conversation is largely taken up by Mr. Z. who reads a "short narrative about Antichrist," covering some forty pages.

Wherever the characters discuss their country's place in Europe they at once become interesting. In an oration on Slavophilisin, the Politician explains: "In reality we are unavoidably Europeans, only with Asiatic characteristics of mind." But surely it is just these characteristics of mind which make the difference and which arouse our own constant curiosity and study of Russian thought and culture.

V. J.

CONSCIENCE AND CHRIST: Six Lectures on Christian Ethics By Hastings Rashdall. London: Duckworth & Company, 1916. Pp. xx, 313. Price, 5s. net.

There is no one better qualified than Canon Rashdall for the task which he has set himself. What is the relation of conscience to authority? When must conscience appeal to the teaching of Jesus for justification, and how far is the teaching of Jesus justified by appeal to conscience? Dr. Rashdall is distinguished both as a Christian and as a moral philosopher. In this volume of lectures (delivered at Oberlin College in 1914) he succeeds in arbitrating between the claims of theology and ethics, not without exacting considerable sacrifices from both sides.

The reader who is interested in the technical defences of Dr. Rashdall's theory of conscience will already be familiar with them. It is enough to say that he believes in "the existence and validity of an objective morality" and in a power in us of "distinguishing between right and wrong." And moral judgments come from the intellectual part of our nature. It is to such a conscience that Jesus addresses himself. Now it follows almost inevitably, if one holds a theory of conscience similar to Dr. Rashdall's, that conscience will consist in the usual structure of prejudices of the enlightened middle classes. To this middle-class conscience the teaching of Jesus is gradually

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assimilated. In the second lecture Dr. Rashdall disposes of eschatology. He is anxious to show that the moral teaching of Jesus can be valued quite independently of eschatological considerations, though his argument is diverted by his desire to deal a death blow to modernist pessimism in passing. He admits that Jesus sometimes emphasised "the unimportance of worldly goods . . . to an extent which would require some correction before it could be literally applied to the case of those who do not believe that the world is just coming to an end" (p. 63).

Dr. Rashdall pursues his reconciliation through the rest of the book. Thus we learn that Christ was not ascetic, that he did not consider celibacy superior to marriage, that monasticism was not improbably an imitation of paganism, that Christ was not a socialist, and did not disapprove of private property (Lecture IV). All that is anarchic, or unsafe or disconcerting in what Jesus said and did is either denied, or boiled away by the "principle of development" (Lecture IV).

When we come to the interesting lecture on "Christian Ethics and Other Systems" we find Dr. Rashdall taking up a position hardly different from Unitarianism. But Dr. Rashdall has an argument of his own. He proceeds, I believe, first to assimilate Christ's teaching to his own morality, then makes Christ the representative of this morality, then leads us to concede that Jesus will be best followed "in a society which admits his unique position" (p. 277). For Canon Rashdall the following of Christ is "*made easier*" by thinking of him "as the being in whom that union of God and man after which all ethical religion aspires is most fully accomplished." Certain saints found the following of Christ very hard, but modern methods have facilitated everything. Yet I am not sure, after reading modern theology, that the pale Galilæan has conquered.

T. Stearns Eliot.

London, England.

Downward Paths: An Enquiry into the Causes which Contribute to the Making of the Prostitute. With a Foreword by A. Maude Royden. London: G. Bell & Sons, Ltd., 1916. Pp. xiv, 200. Price, 2s. 6d. net.

This book is published under a trust; and the social investigators who contribute to it, prefer to remain anonymous.

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They have done a valuable piece of work; for the material before them—830 cases—though slender, is analysed with careful judgment, and no cases are taken as typical without minute consideration and comparison. The outlook is both passionately *human* and sensitively acute, and some obscure industrial and psychological factors are elucidated and given due weight. For instance, the disastrous effect on certain trades of the 'speeding-up' of the London Season from three months to two, in recent years; the opposite, but equally bad, conditions of the lonely general servant and of much Club and hotel service; the inaccessibility, for purposes of social research, of the fashionable and successful prostitute, and its effect on the results of the enquiry; the influence of dress, both as a hall-mark of prosperity ("respectability") and a means—often the only means—of artistic creation and self-expression. The investigators conclude that the main feeders of prostitution are economic pressure—which, they point out, is not synonymous with actual starvation—and the mismanagement of adolescence; and they bring a very strong—but moderately phrased—indictment against urban housing conditions and overcrowding. The general social complicity is fully recognised; the authors admit that "Prostitution is the rubbish heap necessitated by the way in which other, much respected institutions are built, and to deal with it, means the rejection and adaptation of much that seems sacred to the ordinary eye." There is real insight and courage and intense human feeling in the remarks about the 'bully,' and the futile Criminal Law Amendment Act of 1912, and the penetrating allusion to "that fastidiousness and sense of personality which makes prostitution specially abhorrent to the normally intelligent woman with strong passions."

I hope this admirable study will be followed by fuller investigations on the same sane human lines, both in view of the need for a new social order, and of the immediate menace which militarism always holds, of the systematic extension and aggravation of prostitution by the introduction of the "*police des moeurs*."

F. W. Stella Browne.

London, England.

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STUDIES IN THE PSYCHOLOGY OF SEX. Vol. II, Sexual Inversion. By Havelock Ellis. Third edition, revised and enlarged. Philadelphia: F. A. Davis Company, 1915. Pp. xii, 391.

This is really a new book. It contains sixteen new personal Histories, a new Appendix, and a mass of fresh matter, based on Dr. Ellis's own investigations and on the extensive recent research in the United States and Continental Europe. Special mention is made of the work of Féré, Moll, A. Raffalovich, and the encyclopædic monograph of Magnus Hirschfeld. There is an acute and apparently conclusive criticism of the Freudian theory of acquired homosexuality. Dr. Ellis emphasises the recent biological view that all organic life is *potentially* bi-sexual, and believes "we may ultimately find a more fundamental source of these various phenomena, in the stimulating and inhibiting play of the internal secretions."

The immense complexity of inversion in all its temperamental and emotional shades and grades and blends is given full weight, and the careful student must realise that inverts are of diverse types, and, equally, that their ineradicable idiosyncracy is not necessarily, or even generally, accompanied by mental or physical disease. Even admitting that nearly all the cases here recorded belong to the intellectual and moral *élites* of inversion, the waste of mental and psychic force which they reveal constitutes a terrible social danger. Moreover an honest observer must conclude that homosexual practices, apart from pronounced congenital inversion, must enormously increase, in the present and near future, among both men and women in Europe. Some dim perception of this fact seems to be stirring the British official mind to renewed furtive persecution of honest and esthetically valuable literature. But a social system founded on the repression and degradation of the normal erotic impulse artificially stimulates inversion and has forfeited all right to condemn it. England has already impoverished herself intellectually and covered herself with ridicule by the persecution of the original edition of this psychological classic. The logical clarity of the French mind, the imaginative sympathy of the Russian, would have saved us from such a humiliating exhibition. When shall we follow the example of France, and Latin Europe generally, and abolish all legal penalties for homosexual acts except when they involve public indecency, violation, or the abuse of the immature?

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A couple of criticisms on minor points may be offered. Some of the best authenticated historical examples of feminine inversion receive no mention. And the statement that in bisexual persons, the inverted impulse predominates over the heterosexual, recalls observed instances to the contrary.

F. W. Stella Browne.

London, England.

Group Theories of Religion and the Religion of the Individual. By Clement C. J. Webb. London: George Allen & Unwin, Ltd., 1916. Pp. 208. Price, 5s. net.

In 1914 Mr. Clement Webb delivered a course of lectures at Oxford on certain sociological theories of religion. In their present form they are still lectures. They contain a most interesting commentary for anyone who is reading the works of Durkheim and Lévy-Bruhl; and they constitute a very able polemic. There was needed just such an attack upon the theories of these men from just such an antagonist as Mr. Webb. It is as a polemic that the book must be read; not as an exposition or a detailed criticism. On the one side we should have ranged all the varieties of contemporary thought represented by Bergson, Sorel, and in philosophy of religion Durkheim, Lévy-Bruhl, Cornford, Harrison; on the other, the Oxford tradition headed by Mr. Webb. Mr. Webb's assault is forceful, but rather scattered. He turns too suddenly from criticism of special theories to criticism of general tendency, and from criticism of M. Lévy-Bruhl to criticism of M. Durkheim, who does not hold quite the same views. And sometimes where he has felt an antipathy he has failed to elaborate a refutation; so that one is left in doubt as to whether he has quite understood M. Durkheim's point of view.

When we examine Mr. Webb's objections one by one, we find that they may be summed up in two classes: one religious, the other philosophical. He objects on religious grounds, because he believes that the tendency of the group theory is to reduce all religion to illusion, to "objectifications of feeling." He objects on philosophical grounds, because the theory of the "social origin of the categories" seems to invalidate *all* human knowledge. These two classes of objection should be kept quite distinct. A theory is hardly likely to be thoroughly positivist

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and pragmatist at the same time. So that one is led to a restatement of the positions of both the two sociologists in question.

First M. Lévy-Bruhl. In his book on "Les fonctions mentales dans les societés inferieures" this author distinguishes sharply between a pre-logical and a logical mentality. The former is that of the Bororo of Brazil who has a parrot for his totem. Now, according to M. Lévy-Bruhl, this is not merely the *adoption* of parrot as an heraldic emblem, nor a merely mythological kinship or participation in qualities; nor is the savage *deluded* into thinking that he is a parrot. In practical life, the Bororo never confuses himself with a parrot, nor is he so sophisticated as to think that black is white. But he is capable of a state of mind into which we cannot put ourselves, in which he *is* a parrot, while being at the same time a man. In other words, the mystical mentality, though at a low level, plays a much greater part in the daily life of the savage than in that of the civilised man. M. Lévy-Bruhl goes on to insist quite rightly upon a side of the primitive mind which has been neglected by older anthropologists, such as Frazer, and produces a theory which has much in common with the analyses of mythology recently made by disciples of Freud. It is true that he exaggerates the difference between the mind of the savage and the mind of the civilised man, and that, as Mr. Webb points out, his contrast between "contradiction" and "participation" is misleading. But it is also true that the growth of the scientific spirit has been unfavourable to mysticism, and that mysticism has had an obscurantist effect in science. The contrast is a sound one. Lévy-Bruhl maintains that a sharp differentiation of function is necessary, without abandoning either of two essential attitudes of the human mind. This is the "empiricism" to which Mr. Webb objects. His objection is, at bottom, the objection of the theologian—neither mystic nor scientist. It is the struggle between the theologian and the mystic, rather than that between the believer in religion and the scientist, which is here represented.

When Mr. Webb turns to deal with Durkheim, he confuses genuine issues with misinterpretation. He is at his best in picking to pieces M. Durkheim's "definition" of religion. People who are tempted to define religion should read Chapter III. In criticising the theory of "collective representations" he is not so felicitous. Not that there is not much to be said against this theory. M. Durkheim talks far too much about

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"society"; everything is ascribed to its influence. And Mr. Webb has our sympathy in his stand for the rights of "individual" religion, though we may not sympathise with his demand for the personality of God or with his demand for individual immortality. But his statement that "for sociologists religion, because it is a 'collective representation,' misrepresents the world" is quite unfair to the author in question. According to Durkheim (in the conclusion to his "Elementary Forms of the Religious Life") science is no more "individual" than religion. Its faith does not differ essentially from religious faith (p. 458, English trans.). "In all social life, in fact, science rests upon opinion." The function of religion is to help us to live and act, the believer is *stronger* than the unbeliever. The view of both religion and science is pragmatic. We wish that Mr. Webb had attacked on this issue. Whoever wishes to understand just what the issue is should read Mr. Webb's last two chapters, then M. Durkheim's last chapter. Then he ought to realise that the struggle of "liberal" against "orthodox" faith is out of date. The present conflict is far more momentous than that.

T. Stearns Eliot.

London, England.

A Modern Job: an Essay on the Problem of Evil. By Étienne Giran. Translated by Fred Rothwell. With an Introduction by Archdeacon Lilley. Chicago and London: Open Court Publishing Company, 1916. Pp. 92. Price, $0.75, or 2s. 6d. net.

The Open Court Publishing Company is to be congratulated on issuing this small volume at such an opportune moment. The colossal struggle through which we are passing is turning the attention of large numbers of thoughtful people to some of the fundamental problems of religion. Amongst these problems probably the most important as well as the most difficult are the problem of God and the problem of evil. As Canon Lilley in a short introduction says: "M. Giran, with a fine insight, has followed the indications of the Biblical story, but has followed them with the chastened reserve of one who would be sincere with himself and with the anguish of troubled souls in our own doubtful day."

The main idea in the book is that Religion must become a

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problem before it can ever hope to make an appeal to thoughtful people. Eliphaz repeats the old worn out arguments of traditional theology. Eliphaz is doubtless a good man, but he is a good man who can give no helping hand to those people who desire to know the real meaning and truth of things whatever it is going to cost them. There is something craven in the very idea of accepting the omnipotence of God as a mere traditional belief which relegates the solution of nearly all the greatest difficulties to the next world.

The answer of Bildad is no less unsatisfactory. In order to save the character of God he states that God does not will evil. Bildad really accepts what Christ says of God. Bildad's mistake consists in leaving the problem of evil out of account and turning to a Heavenly Father as revealed in the Christian religion. But this does not help us to solve the problem, and Christianity is capable of another, better kind of interpretation.

The answer given by Zophar grapples more firmly with the problems of God and of evil. Zophar does see that all the facts of life and the world must be taken into account before a glimpse of the meaning and significance of the ultimate Reality of the universe can be obtained. He proceeds by the scientific method of induction, as well as by postulating a fundamental difference between matter and spirit. He sees that spirit can partially overcome matter, and it is in this fact of the gradual evolution of the soul that the existence of ultimate Reality can be predicated. The facts of existence show a "Conscious determinism or rather relative freedom." We cannot, it is inferred by Zophar, discover the Divine by a leap away from the facts and the syntheses which the facts warrant. Laws of Nature and of Life are revealed to us. "From them we may obtain good or evil, joy or sorrow, poverty or prosperity. All we have to do is to will, to will on the divine plane of expansive, rich, harmonious life." At present, we are informed, "the lower instincts are still predominant; the powers of darkness weigh heavily on our poor human wills and transform the world into a battlefield in which selfishness and base appetites, pride and covetousness 'furiously rage together.'" The proof of God is then to be discovered in the immanent aspirations of man for a richer, fuller, diviner life. When man realises more and more the deepest possibilities of his own nature, a background to those possibilities arises—a background that constitutes more than the highest ideal represents.

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Elihu, Job's old servant, ignorant of the dialectic skill of his companions, sums up the whole sum and substance of things and the solution of the mystery in the immortal words of the Master: "Beloved, a new commandment I give unto you, that ye love one another."

Job, now with love in his heart, gazes at the setting sun and is amazed at the glorious spectacle. Love in the heart has cast a halo and a glory over the physical universe and filled it with the Divine.

The volume is worthy of careful reading, for it presents various tendencies found in our world to-day, and also shows that it is dangerous to build one's theology and religion in any one-sided fashion. Mr. Rothwell is to be congratulated on the translation: it is clear and inspiring. The portrait of the author does not seem to me to be a good likeness of him unless he has aged very much during the past three years.

W. TUDOR JONES.

Bristol, England.

THE CONTINGENCY OF THE LAWS OF NATURE. By Émile Boutroux. Translated by Fred Rothwell. Chicago and London: The Open Court Publishing Company, 1916. Pp. x, 196. Price, $1.50, or 5s. net.

This volume is to be cordially welcomed in its English dress. Translations have been in existence for some years in several other European countries, and it is not to the credit of English-speaking countries that such an important work had not appeared long ago. The Open Court Publishing Company deserve our warmest thanks for presenting the volume in such an attractive form, and Mr. Rothwell has, on the whole, accomplished his task with signal success. The whole translation is remarkably free from obscurities and the terminology, with one or two exceptions, is exact.

Boutroux's volume was presented as a thesis at the Sorbonne for his doctor's degree as far back as 1874. The ideas which it sets forth were not popular at the time, but through the expansion of the modern doctrine of evolution to cover human life and progress the problems presented in the book form some of the most pressing of our day. It is quite clear, after reading this volume, that Bergson has been deeply influenced by his old

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teacher. This is especially so in the conceptions of matter and spirit, the nature of the concept, and freedom.

Nature as well as spirit everywhere shows Contingency. On the whole scale of existence we find apertures by which one form of phenomena passes into another, thus forming a kind of hierarchy from matter up to man. Things are connected, are related as causes and effects, but the whole nature of a thing is not exhausted by stating this. We are aware that things which are related are not identical, and in so far as things possess this uniqueness, in so far can we state that they are subject to contingence—to change. Necessity is not the final word concerning the nature and behaviour of all things. "The world, considered in the unity of its real existence, presents a radical indetermination, doubtless too faint to be apparent if we observe things only for a very small period, though sometimes distinct enough when we compare facts separated from one another by a long series of intervening links. There is no equivalence, no relation of causality, pure and simple, between a man and the elements that gave him birth, between the developed being and the being in process of formation" (p. 32). The modes of Being show forth resemblances and differences, and they are consequently capable of being arranged in groups termed *genera* or *law*, enabling them from small groups to form larger ones. But such "Laws are the channel along which rushes the stream of facts: these latter have hollowed it out, although they follow its track" (p. 45). The author's main point here is to show the futility of abstract philosophy which either ignores the facts which enabled the Law to be brought into existence or which conceives of the Law of the facts as existing prior to the facts. "Objective logical relations do not precede things: they spring from them" (p. 45). Still it is true to say that *Idea* reacts on the facts and gives them meaning. Some kind of progress and harmony have actually taken place in the world, so that even Cause itself "is susceptible of submitting to direction." Matter, Bodies, and Living Bodies are not subject to an entire Necessity: there is Contingency everywhere. This Contingency is revealed more and more as the scale of what actually has appeared on the face of this earth is ascended. Finally, we come to Man. "Now, the human person, more than all other beings, has an existence of its own, is his own world." The two final chapters present a remarkable view of man's "triumphal march" within the kingdom of the spirit.

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The whole volume deserves the most careful consideration. It presents a theory of the universe and of life in a brilliant form, and everything is placed in the simplest possible way. It deserves to pass from edition to edition, and it will greatly enhance the genial author's reputation in the countries he loves next to his own France—the English-speaking countries of the world.

W. TUDOR JONES.

Bristol, England.

SHORTER NOTICES

RUSSIAN SOCIOLOGY. By Julius F. Hecker. New York: The Columbia University Press, 1915. Pp. 309.

The present work, which is Vol. 67, No. 1, of the Columbia Studies in Political Science, gives a well organized description of the development of sociological ideas and systems in Russia. In reading the volume one is impressed with the fact that Russia has been awakening to her place in the society of nations. The development of sociology in Russia in connection with the discussions of the Slavophils and Russophils on the one side, and the Westernists on the other is an evidence of that. The number of schools of sociology, and the vigor with which they defend their viewpoints are symptomatic of a keen interest in matters cultural. That the ideas all have their bases in English, German or French sources will not eliminate entirely the impression that Russia is gradually taking her long vacant place among European nations in scientific matters. The book should prove valuable to those interested in the material treated but who cannot, owing to difficulties of language, consult the originals which in many cases have not been translated.

J. R. K.

ROSMINI'S CONTRIBUTION TO ETHICAL PHILOSOPHY. By John Favata Bruno. New York: The Science Press, 1916. Pp. III, 53.

This is an attempt to evaluate Rosmini's ethical philosophy with reference to the social situation in Italy during his lifetime. It is found that the absolute fixity and lack of adaptability in the system of Rosmini are due to a felt need for a stable and permanent edifice in the midst of the shifting social order which was characteristic of Italy in the first half of the nineteenth century. The history of philosophy must be rewritten with a closer scrutiny of actual life conditions as a background, than has hitherto been the case with writers of philosophical history. As an attempt to adopt this viewpoint while treating of a single philosopher, this study deserves some attention.

J. R. K.

A STUDY IN THE PHILOSOPHY OF BERGSON. By Gustavus Watts Cunningham. New York: Longmans, Green and Co., 1916. Pp. xii, 212.

The author of this instructive little volume discusses some of the principal points in Bergson's philosophy from the standpoint of a modified Hegelian, and relates Bergson, so far as the problem of knowledge is con-

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cerned, to Kant and Hegel. The remainder of the volume is devoted to a critical discussion of some of the fundamental ideas of the *philosophie nouvelle*, stress being laid on Duration and Teleology.

In so far as Bergson criticises the intellect as a means of understanding the world, he is really attacking the Kantian notion of intelligence. The author declares that because Bergson clings to the Kantian idea of the Understanding, he finds it necessary to posit a higher type of knowledge for comprehending reality. This is his Intuition.

There is, however, a contradiction running through Bergson's discussion of intuition; he does not completely separate it from intelligence, and indeed he makes intelligence an essential factor in the work of intuition. The result is that the knowledge process transcends the categories of mechanism and is thereby enabled to deal with living processes as well as inorganic material. This makes the Bergsonian Intuition quite the same doctrine as Hegel's Notion (*Begriff*).

Against Bergson's doctrine of duration the writer urges that a fundamental characteristic of conscious experience is omitted, namely, anticipation. This introduces the notion of teleology which as usually understood is thoroughly abhorrent to Bergson. It is further urged that consciousness does not merely project the past into the future becoming anything, but that it becomes something definite, itself. As against the doctrine of Bergson with its undetermined future the author suggests a theory of reality which he calls creative finalism. This is a teleology the ends of which are created as the world process moves on. "It is a process in which the creation of ends proceeds *pari passu* with the evolution wherein they continuously exert their determining and directing influence." There is a decided emphasis of the end in terms of which the past is defined. It is not the mere past which makes the future.

The book is very simply written and despite its controversial character is consistently readable.

J. R. K.

REST DAYS, A STUDY IN EARLY LAW AND MORALITY. By Hutton Webster. New York: The Macmillan Company, 1916. Pp. xiv, 325. Price, $3.00.

The present work is stated by the author to be an enlargement of a monograph which appeared in 1911. It contains a survey of Rest Days among many peoples. The more important kinds of such days are classified under Tabooed Days At Critical Epochs, or After a Death, Holy Days, Market Days, Lunar Superstitions and Festivals, Evil Days, Hebrew Sabbath, Unlucky Days. These rest days, whatever their humanitarian value originated chiefly from fear and superstition. And "it is fairly obvious that the observance of tabooed and unlucky days must be included among the many superstitions which have retarded the progress of mankind." A full discussion of the ethical values of rest days would give more attention to the positive value of days which made possible community festivals and ceremonials, favoring the life in common and by a distinction between holy and secular gave suggestions for later more definitely moral distinctions. The main purpose of the book, however, is to describe and to trace sources, and this seems to be well fulfilled. The text is both interesting and well documented.

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THE MYTHOLOGY OF ALL RACES. Vol. X, North American. By Hartley Burr Alexander, Ph.D. Boston: Marshall Jones Co., 1916. Pp. xxiv, 325.

In this sumptuously printed and illustrated volume, Professor Alexander gives selections from typical myths of the leading group of North American Indians, including the tribes as far south as the Rio Grande, together with an introduction on the motives and sources of myth and notes upon special topics. Few myths have an obviously ethical content, yet the primitive philosophy of a group of peoples that had developed such a high degree of social control over their members and so many fine traits of character cannot fail to interest the student of comparative morals. Such an ordering of life by supernatural agencies as is indicated in the ritual and myths of the Pueblo dwellers, and such an attitude toward the Great Mystery as is described by Eastman, must have had deep significance for the whole moral consciousness. Darker aspects are shown in myths of cannabalism and human sacrifice.

THE HIGHER INDIVIDUALISM. By Edward Scribner Ames. Boston and New York: Houghton, Mifflin Co., 1915. Pp. 162. Price, $1.10 net.

The ethical and social aspects of religion are prominent in this volume of eight sermons delivered in Appleton Chapel, Harvard University. But as might be expected from the author of *The Psychology of Religious Experience* there is frequent translation of the great conceptions of religion into experiences of daily life. Thus translated, terms which have often been symbols of controversy represent suggestions for the enlargement and deepening of life. Those who seek ways along which scientific intelligence, moral purpose, and emotional needs, may combine more fundamentally for the purifying, ennobling, and strengthening of life, will find many suggestions. The style is always simple, and the thought straightforward; we are not put off with rhetoric where we need honest thinking.

AMERICAN THOUGHT FROM PURITANISM TO PRAGMATISM. By Woodbridge Riley. New York: Henry Holt & Co., 1915.

The first chapters of this volume are a briefer statement of the same author's larger work on American Philosophy: Early Schools. In this early period the problems were chiefly set by theology. Thought during the past century is treated under the heads of, Transcendentalism, Evolutionism, Modern Idealism, Pragmatism, and New Realism. The author is interested chiefly in the theoretical rather than in the ethical development. No reference is made to Edwards's important essay on the Nature of True Virtue, and the famous treatise on the Freedom of Will is barely mentioned. Considerable attention is given to the sources of Emerson's philosophy and some interesting instances of early evolutionism are noted. More criticism is given to the recent doctrines discussed, but the treatment as a whole is rather popular than critical. There is room for a history of the ethical thought of America as found not merely in its formal treatises, but in literature and theology.

AMERICAN MEN OF LETTERS, THEIR NATURE AND NURTURE. By Edwin Leavitt Clarke, Ph.D. Studies in History Economics and Public Law. Volume LXXII, No. 1. New York: Columbia University, Longmans, Green & Co. Agents, 1916.

This monograph presents a study of a thousand literati with a view to determine the respective influence of nature and nurture. The author

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began the study under the belief that it would support Ward's position that genius is scattered somewhat uniformly through the whole mass of population, and that nurture is the only available means for race improvement, as contrasted with Galton's emphasis upon nature. He found himself forced by the evidence of his study to a position which recognizes the importance of both nature and nurture, and under the latter the striking variations of eminent authors by decades indicates that we must include not only education in home and school, but the demand and appreciation of society for literature. The period before the civil war, for example, shows this demand and appreciation in a much higher degree than the period after the civil war. As to early economic environment 120 came from parents that were poor, 77 from wealthy parents, 415 from intermediate, and of the parents of 388 the economic status is unknown. Professional and business classes were best represented in the fathers' occupations. The study is of evident interest to students of social progress.

J. H. T.

MY DAYS AND DREAMS: Being Autobiographical Notes by Edward Carpenter. With Appendices and Illustrations. London: George Allen & Unwin, Ltd., 1916. Price, 7s. 6d. net.

Written from the very heart of the liberating and constructive movement of our time, these reminiscenses touch many sides of life, with extraordinary clarity, sympathy and humour. What a picture of the combined shallowness and repression of even a prosperous and high-principled early Victorian home, and how significant the hitch in his ordination, over the "Atonement" and Isaac's ram! There are illuminating glimpses of an English landowner, levying toll on public utilities, by the prices demanded for "enclosed" (*i.e.* stolen) land; of the legal *arriviste* ascending from Bar to Bench by thick skin and driving power; of the endowed and privileged University humbug; and there is the crown of these iniquities and absurdities, summarized in the simple sentence "No elder person *ever* spoke to me about sexual matters—no mother, father, brother, monitor or master ever said a word."

There are vivid portraits of personal friends and of various workers for knowledge, justice and freedom. But the core of Edward Carpenter's message is intensely individual and like his style of expression, it combines almost perfectly, spontaneity with dignity. That style is endeared to thousands of readers, by its simplicity, serenity, clearness and grace as well as by the ideas it renders; and here it has a specially personal and friendly note. Edward Carpenter's first love among the Arts was music rather than literature; it is interesting to speculate on the Musical Equivalent of "Towards Democracy" or "The Drama of Love and Death"; the lucidity and sweetness expressing such wide sweep of vision and such a sustained passion for justice and truth. The accounts of various psychic and intuitive experiences are deeply interesting and all too brief; so is the genesis of "Towards Democracy." Most valuable of all messages, in a world which tends to grow more and more drilled and institutionalised is this "that people should endeavour (more than they do) to express and liberate their own real and deep-rooted needs and feelings." Particular importance attaches to the equally explicit and delicate statement of a "most intimate and organic part" of Edward Carpenter's own nature, and the speculations as to the ultimate social outlet for the Uranian tempera-

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ment "in the direction of Art and Human Compassion." There is a complete and valuable bibliography including translations.

F. W. STELLA BROWNE.

London, England.

FEMINISM IN GERMANY AND SCANDINAVIA. By Katherine Anthony. London: Constable & Company, Ltd., New York, Henry Holt & Co., 1916. Pp. viii, 260. Price, 4s. 6d. net.

This work, which is by an American writer, deals with the social and economic condition of women in Germany and Scandinavia. It is useful as a reference-book, as the English translations of the literature of continental feminism are few and the popular impressions of the position of women as for instance in Germany, are not in accordance with facts. There is a bibliography of modern works on feminism, a chapter on the higher education of women, state maternity insurance, the Mutterschutz idea, and the reclaiming of the illegitimate child in Norway. This latter chapter gives a full and interesting account of the Cartberg bill "concerning children whose parents have not married each other," which was adopted as law in the Spring of 1915, and is "the most rational and thoroughgoing attack on the double standard of morals known in modern legislation." For the historical side of the questions dealt with the authoress draws largely upon the *Handbuch* of the international woman's movement, edited by Helene Lange and Gertrud Bäumer, and has supplemented this by the study of more recent monographs and magazine articles. It is a curious result of the war that it has been instrumental in introducing certain reforms with regard to the position of illegitimate children. In 1914, for instance, Austria introduced a number of reforms, which were not, however, as far-reaching as the Norwegian measures, and in August of the same year, in Germany, illegitimate children, in all cases where paternity had been established, were placed on the same footing as legitimate ones, and received the same weekly support so long as the father was doing military service.

M. J.

RELIGION AND SCIENCE: a philosophical essay. By John Theodore Merz. Edinburgh and London: Wm. Blackwood and Sons, 1915. Pp. xii, 192. Price, 5s. net.

The learned historian of European thought has in this book three ideas. (1) Science deals only with an "external" world, which is a development of the world of common sense "with a still greater restriction of fundamental data" (p. 107) out of an earlier and larger reality. (2) Science describes and explains, its terms consist of "spatial data and their connections." Interpretation, *i.e.* the assignment of value and meaning, is reserved for religion. (3) Personality is that which is most real. The highest experience which we can have is the feeling of absolute dependence (Schleiermacher) which we trace to the influence of a Higher Power.

Mr. Merz decides, first, that the external world is a construction, that conceptual thought abstracts and selects. The products of this selection are subject and object, "an altered and fuller conception of reality," space, time, causality. These entities are carved out of a "primordial stream of thought" which apparently antedates thinking, which is a reality wider (though it is said to be less full) than the external world. This internal possession is the earlier and truer aspect of our

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personality—a period (as well as an aspect) when we looked upon everything as merely "internal happenings." We entertained this hypothesis in our infancy, and our age sees the belief justified.

But though this is the earlier and truer aspect of our personality, contact with other personalities leads us out of it. The first external object that the baby apprehends is its mother, not perhaps in her earlier and truer aspect, but as an influence, a spiritual pressure. Throughout our life we remain animists—the most real things are other personalities. The awareness of a group of personalities gives us law and morality. The awareness of a supreme spiritual pressure gives us religion.

So far many of the orthodox idealistic phrases have answered the roll-call. One is, however, accustomed to find among idealists a clearer distinction between the point of view of genetic psychology and that of metaphysics. This is a form of anti-intellectualism which suggests Bergson. And idealists usually distinguish between immediate experience (which seems to correspond to Mr. Merz's primordial consciousness) and the personality which is largely ideal construction. Mind, the author says, is as much an abstraction as is matter. "The totality of any experience . . . is of more importance, being more truly real, than the particles into which we dissect it" (p. 72). Is personality equivalent to this totality of experience, or is it only a (very fiery) particle?

The phrases "stream of thought" and firmament of consciousness" recur many times. Those who feel that not only their own creed but religion itself stands in need of defence, should not neglect the aid which this book offers them.

T. Stearns Eliot.

London, England.

The Nemesis of Docility: a Study of German Character. By Edward Holmes. London: Constable & Company, Ltd., 1916. Pp. viii, 264. Price, 4s. 6d. net.

This is a collection of Essays upon German docility in all its aspects, a portion of which appeared in the October number of the *Nineteenth Century and After*. Mr. Holmes defines German docility as readiness to obey for the sake of obeying, avidity for commands and instructions, reluctance to accept responsibility or exercise initiative, inability to react against autocratic authority; and shows that this natural characteristic has become a destructive force of extreme violence. The whole German nation is taken strenuously in hand by government in its childhood, for in no country has the Government more direct control over education than in Germany. In no country are academic influences so subservient to political programmes. "It appeared," wrote a correspondent in Germany to the *Times*, "to be the distinct aim of the German authorities to create a spirit of blind, uncompromising Chauvinism in the heart of the coming generation." Side by side with this inculcation of Chauvinism in schools went the exaltation of war in a whole pamphlet—literature against which Professor Nippold protested—before the war—that "this agitation is part of a deliberate scheme the object of which is gradually to win the population and, if possible, the government by any means whatever—even by the distortion of fact and malicious slander—for the programme of the Chauvinists." So much has been, however, common knowledge since the outbreak of the war, when belated attempts were made to look over and beyond the Chinese wall which surrounds Germany—now, in Mr. Robertson's words, the most insular of all civilized countries. Mr.

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Holmes's sober and thoughtful book is not a first-hand contribution to our knowledge of the ethical condition of Germany, but a review or appraisement of the rapidly-growing literature upon that country.

M. J.

PLATO AND CHRISTIANITY. Three Lecturers. By William Temple. London: Macmillan & Company, Ltd., 1916. Pp. iv, 102. Price, 2s. net.

This book consists of three lectures delivered during the extension summer meeting of August 1915, at Oxford, upon the relation of Plato's philosophy to Christianity. Of the three lectures, which are an exceedingly able and lucid exposition of the subject, the first deals with the general philosophy of Plato in outline, the second with Plato's ethics and politics, and the third and most interesting with the number of points in which Plato approaches to and prepares for the Christian view of life.

M. J.

THE ULTIMATE BELIEF. By A. Clutton Brock. London, Constable & Company, Ltd., 1916. Pp. viii, 108. Price, 2s. 6d. net.

"Our whole society suffers from a lack of values." This is Mr. Clutton Brock's thesis. The strength of German society is based upon a definite system of values. "The German boy is given a reason why he should be good and why he should love knowledge. He is told that he must do everything to increase the glory and power of Germany. That is bad philosophy, but it is philosophy" (p. 11). The book is therefore a plea for a system of values which shall be superior to the German—and for a system of education based upon these values.

Mr. Clutton Brock is a student of Croce, but his philosophical apparatus is unpretentious. The merit of the book does not lie in an original theory of value, but in acute comments upon education. Boys should be taught to respect the values of truth, beauty and goodness for their own sake. They often admire wrong-doing because it appears disinterested. "If they are not taught to do what is right for its own sake, they make their escape by doing what is wrong for its own sake" (p.47). They should be so disciplined as to separate goodness from a code of rewards and punishments. "The appeal to self-interest (*i.e.* in reward and punishment) should not be confused with an appeal to the moral sense." Similarly, boys should not merely be taught habits of veracity, they should be taught intellectual honesty—the love of truth for its own sake. They should learn *why* knowledge is valuable, apart from purely practical success, the pursuit of which may fail to excite the more independent. And the third, the æsthetic activity, is no less important. For the boy whose childhood has been empty of beauty, the boy who has never learned the *detached* curiosity for beauty, the sexual instinct when it is aroused may mean the only possible escape from a prosaic world. Hence a danger which may be followed by a still greater disaster, the passage from a period of violent excitement into a maturity of commonplace. We must learn to love always, to exercise those distinterested passions of the spirit which are inexhaustible and permanently satisfying.

The philosophical foundation of the book is adequate to its purpose. Its tone is modest; its thought is not daring, but its commonsense is sound.

T. STEARNS ELIOT.

London, England.

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PHILOSOPHY AND WAR. By Émile Boutroux. Translated by Fred Rothwell. London, Constable & Company, Ltd., 1916. Pp. xii, 212. Price, 4s. 6d. net.

There are a few critical reflections upon German philosophy which should have been made long ago. Without the war, they might not have attracted so large an audience, but one regrets that Professor Boutroux buried them in a volume of commonplace patriotism. In his attacks upon everything else that is German M. Boutroux is merely the average French (or English) university official; but in all that he says about philosophy he is the *honnête homme qui ne se pique de rien.* Consequently, his chapters headed "German Science" and "The Evolution of German Thought" are much the best. He deprecates, quite rightly, the lack of humanism in German scholarship. "German science makes a religion of competence" (p. 5). Its aim is specialisation, laborious precision of detail, research jobbed out among a swarm of students—and nowhere the synthesis of a controlling mind. The true scientists will "think as men, while working as specialists." They will respect the word of Descartes (and of Boileau as well): *le bon sens.* Good sense is the link connecting thought with reality.

In both philosophy and science, the Germans have proved themselves incapable of observing the limitations of good sense. In philosophy, they fly either to intellectualism (as Hegel), or to radical voluntarism (as Fichte), or to a union of these two doctrines (p. 86). The pure intellect, dedicated to abstractions, becomes sophistical and immoral; the pure will "takes itself as an end, and wills simply in order to will." Such is the fatality of monism. In the philosophy of Aristotle, on the other hand, we find a god who is intelligence and goodness, apart from whom is material force which he permeates with desire and thought (p. 29).

It is a pity that M. Boutroux did not amplify this comparison of German philosophy with Greek philosophy and the Greek spirit. All that he says upon this subject is admirable. His condemnation of German politics, German warfare, the German nation, suffers from his application of his philosophical conclusions without further contact with evidence. And he comes very near to glorifying war for its own sake (pp. 139, 151). His chapters on this war, and on the virtues of his nation, reveal all the conventional attitudes.

T. STEARNS ELIOT.

London, England.

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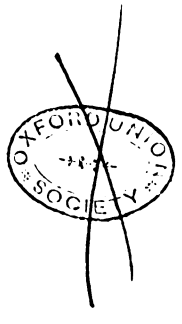
NOTE.

As this issue of the JOURNAL goes to press comes the announcement of the death of Professor Josiah Royce at Cambridge, Mass., September 21. Professor Royce had been on the Editorial Committee of the JOURNAL from its foundation, and was known and honored throughout the world of scholars. An appreciation of his work will follow.



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THE INTERNATIONAL
JOURNAL OF ETHICS

JANUARY, 1917.

LIBERTY AND DEMOCRACY.

HARTLEY B. ALEXANDER.

I.

IN THE presence of death—if the dead be not too near and precious—all men become for the moment philosophical. There is, in the stillness and calm of the life-bereft body, released forever from the impatient and relentless activity of man's estate, a something which commands in our mood the imitation of its image; and we, the living, instinctively withdraw from the sounding world about us and enter into the hushed and solemn courts that hold our dead. In a very deep sense Socrates was right when he defined philosophy as a love of death, and the philosopher's pursuit as a practice of dying,—of which no proof is more simple than the power which death itself possesses of bringing upon men the mood and desire of philosophy.

As is the dead body of a man a presence that commands philosophy, so, in its greater degree, is the dead thought and desire of nations and centuries. Most of all is this true when we are suddenly and helplessly brought face to face with the blight and prostration of ideals which we have been taught to believe are the very bloom of life and the treasure of existence. Man's ideals are the most intensely human of his possessions, and their destruction is the most cataclysmic of tragedies. From the wreck of a

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perished dream all nature must move to salvage the soul, for which, in its first weakness, there is none other save the sour medicine of philosophy.

To-day we are in the presence of such a corpse of thought. I can think of no death in history quite so stupendously bitter as is that which has stricken down the gorgeous humanitarian optimism of the nineteenth century. Backed by the material display of modern life, which blinded us to the inner flimsiness of our faith, this optimism took possession of the modern world with a thoroughness which was the more complete because not subjected to reflective criticism. Socially, intellectually, and morally we had centered our worship in man to a degree unexampled in history; our pride in our own nature was overweening,—and its fall is cataclysmic. To-day we stand aghast before the broken idol of the humanitarians—that ritualized Man of the West Europeans in whom it was believed that reason and science and love of peace and love of his fellows must irresistibly bear onward to a compelling felicity. To-day, mid the bitterness of bloodshed and the sweat of human agony, we see the Colossus fallen; and sharpest of all the cries that war has raised, piercing the roar of battle like a thin scream of death, comes the lamentation of Europe for the lost idol and the ruined shrine. It is not the burned manuscripts of Louvain, the shattered sculptures of Rheims, nor yet the welter of blood-soaked flesh in her sodden fields, that have most unchangeably painted Europe with horror of the German; but it is the loss of that faith in man, which the humanitarian romanticism of nearly two centuries had made into the image of her spiritual desire, that has envenomed her soul against the image-breakers. The Germany that men hate is the Germany that would assert the might of man as against the rights of man, that would put the rule of blood and iron in the place of liberty, equality, and fraternity, and that would elevate the *Übermensch* above humanity. Doubtless the humanitarian faith was phantasmal and insubstantial,—the event has so proved it.

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Possibly the Germans themselves regard their *Realpolitik* as but the continuation of the philosophic tradition of disillusionment: like Xenophanes they would remind us that the gods of the Ethiopians are snub-nosed and swart, of the Thracians blue-eyed and red-haired, and that if oxen had gods their gods would be oxen. But the phantoms that leave men's souls, in the hour of their departure go forth with a great cry—"Pan is dead! Great Pan is dead!"—and the hurt that they leave behind is like the hurt of broken love.

Europe to-day is fighting over the body of her dead hopes, her dead ideals. She is struck too nearly and too deeply to be able to perceive that the life is departed from her beloved, that only the dead form remains. For her the hour of realization, and hence the hour of philosophy, is not yet come: she is not resigned to the inevitable separation; she cannot, therefore, reflect upon it. With us in America the case is not quite the same. It is true that we have shared the European ideal, the humanitarian idolatry of man; it is true, also, that we feel a vague horror for the broken idol. But with us the disillusionment is not wrought amid scenes of material havoc; the curse of war is not directly upon us; and so we are in a position to begin to feel already that decent detachment in the scene of sorrow which belongs, not to the intimately afflicted, but to those for whom the presence of death may be the gateway to philosophy. We are sufficiently recovered from the shock to begin to be able to think,—and God knows that we have need of thought.

For the war in Europe has brought us problems such as we have never faced in our national life—and I do not except the issue of slavery,—upon our solution of which, as I believe, depends our continued existence as one of the nations of this earth. For a century and a quarter we have nourished our democracy upon certain ideals born direct from that European humanitarianism which now lies dead—the ideals of liberty and law and justice, which we have made the cornerstone of our Constitution.

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We have accepted these ideals as colored by the easy optimism of the eighteenth century; we have recounted them with much enthusiasm and with little reflection. But unless we go on to define them in a new sense which will give them a resurrection and a life renewed, they will fall with the failure of the spirit which gave them form. Our democracy, if it is not to vanish utterly, must restate and revivify the articles of its faith, in a form suiting the change which has come over the life of mankind, and in a spirit which shall be different from the old, both in the greater humility and the greater courage which it will require. For such a task only the philosophic mood of quiet and resolute reflection is competent. To such a task the philosophic mind of America will surely rise, inspired by the yet unconquered idealism through which this continent was peopled.

II.

The United States of America came into national existence as the result of a war for independence. It was not an accident of territory or race or language or religion that converted the thirteen Colonies of the Crown into a federal state; it was a political ideal. This fact, more than any other, has appealed to the imagination of Americans, and has moulded in them their conception of the meaning of their own polity. "We hold these truths to be self-evident," reads our Declaration, "that all men are created free and equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness." It is on the strength of these postulates that the Declaration goes on to affirm that "these United Colonies are, and of right ought to be, free and independent states."

It is obvious that the conception that gives motive to this language is the conception of liberty. Equality and the pursuit of happiness are incidents in the definition of liberty: equality is a vague conception of the social boundaries of liberty; the pursuit of happiness is an equally

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vague estimate of the meaning of liberty for individuals; but the central and moving idea of the Declaration is that of liberty itself. Liberty it is that, in the conception of the fathers of our country, constitutes the fountain and tide of all political rights; and liberty it is that, in our own day, has seemed to Americans the very genius of their national institutions.

But the history of human conduct shows nothing more certainly than that an idea may be both moving and powerful without being either clear or consistent. The history of American political idealism is but an added illustration of this. From the beginning we have been greatly stirred by the symbols of liberty, but we have given little thought to its essence. Certain elements, to be sure, stand out with eminence, yet none of them go to the marrow of the conception, even as it affects our practice. On the one hand, liberty has come to mean for us an exaggerated individualism—the pursuit of happiness carried to the extreme of do-as-you-please and mind-your-own-business. Jefferson's aphorism, "that government is best which governs least," is the typical expression of this notion in political philosophy. On the other hand, liberty has been assumed to imply a social equality of citizen with citizen which all human organization is strenuous to deny. What we call our democracy is the current expression of this notion, socially represented by our willingness to "mix," as we say. Its noblest verbal embodiment is the great determination of Lincoln "that we here highly resolve that government of the people, for the people, and by the people shall not perish from the earth."

The ambiguity of our thinking is reflected in our turbid history. I know of no more spectacular example of the blindness with which an idea can sere men's minds to fact than in our own political career has issued from the assertion that "all men are born free and equal." This, which seemed self-evident truth to our fathers, seems self-evident falsehood to us. Yet a great war, the War of

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the Rebellion, was fought in the terrific effort to steep this lie into the blood of Nature. North and South alike, in that war, fought in the name of liberty; yet neither understood the thing. The liberty for which the North contended was the social liberty represented by a fictitious human equality; the liberty for which the South fought was the freedom to realize equally fictitious individual rights.

In less spectacular, though perhaps not less momentous ways, the same see-saw is apparent in our economic and social life. From the "squatter sovereign" to the "plutocrat," from the boy bully to the flamboyant lechers of affinity unions, we are loud in our proclamations of individual independence. On the other hand, no people more hoarsely vociferates *vox populi, vox Dei,* or more piously cants that the public sentiment is the wisdom of God. None of these fancies could endure, I am certain, were it not for the conviction, less conscious than determined, that somehow the essence of liberty is interbound with them. We cannot forget that we are a nation founded in the faith of freedom, and it is to that faith that we will be true to the cost of every sanity.

No one, I think, can comprehend American history without some feeling for the force with which the symbol of liberty appeals to the American mind; but it would be a rash man who should assert that in America, liberty, in any intelligible and definable form, has ever been realized. Indeed, the observer of our history might well sympathize with the aphorism of a shrewd student of the history of Florence: "The Florentines had in a very marked degree the sentiment of liberty, but the sentiment is often in inverse proportion to the possibility." And for our own democracy, surely the thinking man will share something of the bitter contempt which Plato felt for the democracy of Athens—"a charming form of government, full of variety and disorder, and dispensing a sort of equality to equals and unequals alike."

Democracies have their own special forms of tyranny,

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not the least rancorous of which is the tyranny of a public sentiment called to support a liberty which the public does not comprehend. In the recently published report of the Committee on Academic Freedom to the American Association of University Professors occurs the following significant judgment: "Public opinion is at once the chief safeguard of a democracy, and the chief menace to the real liberty of the individual. It almost seems as if the danger of despotism cannot be wholly averted under any form of government. In a political autocracy there is no effective public opinion, and all are subject to the tyranny of the ruler; in a democracy there is political freedom, but there is likely to be a tyranny of public opinion."

If educated Americans so diagnose their own state, it is not surprising that foreigners coming from states governed by totally different conceptions, should be profoundly and disagreeably impressed by our servitude to the *vox populi*—by that justice of democratic states which is, says Aristotle, governed by a numerical, not by a qualitative principle. In a current pamphlet—*Nordamerika und Deutschland*—the famous historian, Eduard Meyer, says: "The cultivated German, from the moment when he lands on the quay of New York until he leaves it again, feels himself under an unwonted sense of oppression, the yoke of 'public opinion,' which is exercised not only by the press, but also through all the forms of social life. His behaviour, his utterances are all controlled and dragged into publicity; he has no freedom of movement nor of opinion; it is surely the greatest problem of 'the land of contrasts' that the Americans regard themselves as a free people."

It is in no spirit of self-depreciation, but with real solicitude that we should study such criticisms as these, asking ourselves whether indeed our vaunted freedom may not be the illusory thing which to Meyer it appears to be.

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III.

It is the common opinion of men, says Aristotle, that the basis of the democratic state is liberty, and that liberty can only be enjoyed in democracies.

This judgment—true, doubtless, of the average Hellene of Aristotle's day—can hardly be regarded as universal to-day. Certainly the expression just quoted from Eduard Meyer implies that in America essential liberty is absent. We know well that the Imperial German states of to-day are not democracies, and yet that they consider themselves free—free in a truer sense than that in which we are free. In an inquiry into the nature of liberty it behooves us to ask for the precise meaning which the Germans attach to liberty, especially when that meaning is so obviously contradistinguished from the meaning of liberty as understood by democrats, ancient and modern.

In the pamphlet above cited Meyer says that the German and the Anglo-Saxon have diametrically opposite conceptions of freedom and of the state. Now it is from the difference in the conception of the state that the different conceptions of freedom follow. If, therefore, we would understand the German conception of freedom, we must get it through an understanding of the German conception of the state.

This is no simple idea. The oft-quoted phrase of Treitschke, "der Staat ist Macht," is only one of its interpretations, and by no means a clear one; for while Treitschke, no doubt, has political power chiefly in his eye, his is but one focalization out of many possible focalizations of a much more comprehensive philosophical idea.

I refer to Hegel's notion that the state is one living mind, —not figuratively, but literally, one living mind, the necessary and rational expression of nationality. It would be altogether false to Hegel's genius to identify this mind which is the state with the "collective mind" of the French sociologists, much less with the "public sentiment" and "popular sovereignty" of American phrase. The mind which Hegel has in view is a definitely organized and logi-

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cally articulate expression of reason, having a metaphysical unity of its own, as real, if not as comprehensive, as is the unity of the universe. The state is the rational expression of the nation, whose individual citizens it should rule as our human reason should rule our lesser faculties. From another point of view—the cosmic view—the state is an expression of the universal mind of the Absolute; it is a unity within the greater unity of the universe, comprising within itself the lesser units which are its citizens. All of these—universe, state, citizen,—are essentially spiritual entities; but as the broader unities are the more spiritual, the state is a more spiritual thing than is the man whose civic being enters into it, and who is, therefore, in every sense a less worthy object than is the state.

In such a system as this, where the reason of every citizen is subordinate to the reason of the state, where is liberty to be found? Hegel's answer, and the answer of Germany, which has been drawn from Hegel, is simple. Liberty is never private; liberty is always public and collective. "The universal is bound up with the full freedom of the particular," is Hegel's phrase, the only meaning of which must be that there is no freedom for the will of the individual save in its concord with the will of the state. Indeed, the essential quality of individuality, as we democrats conceive it, disappears altogether: the great man, the man of genius and apparent individuality is, in Hegel's view, but "the mouthpiece and executor of his age"—the more or less conscious voice and instrument of the national mind.

This, in my opinion, is the essential and by all odds the most respectable form of the Germanic philosophy of the state. It is echoed, in varying intonation, by many succeeding writers. The Nietzschean and Treitschkean and Bernhardian effusions but represent the decline of this conception from that of a state mind whose rule is the rule of reason, to that of a state mind whose rule is the rule of appetite and force. The thing is more decently expressed by better thinkers. Hugo Münsterberg puts it:

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"In the German view the state is not for the individuals, but the individuals for the state. The ideal state unit which has existence only in the belief of the individuals is felt as higher and more important than those chance personalities which enter into it." And again: "The Anglo-Saxon system is controlled by the belief in the individual as such and the Teutonic ideals are bound by the belief in the overindividual soul." In the same vein and with the same intention, Professor Meyer tells us that the German state is "a living thing, set on high above all individuals."

It is obvious that the German conception of the state thus sketched is in reality as diametrically opposed to the conception of the state held by Americans, and with them by Frenchmen and Englishmen, as Professors Meyer and Münsterberg say it is. It is obvious, too, that the German notion of liberty, flowing from the German notion of the state, is to the Latin and the Anglo-Saxon no liberty at all. We cannot say of a man who can exercise his will and reason only when they are in accord with a more authoritative will and reason, that he is a free man; we cannot regard that citizen whose highest activity is as mouthpiece or tool of the state, as a free citizen.

But if freedom, in our sense, is foreign to German political ideals, may there not be compensation in other qualities which we miss,—if, indeed, our freedom is in itself desirable? Few will deny, I imagine, that there is, in some degree, such compensating virtue. Undoubtedly its expression is that "efficiency" which all nations to-day unite in envying the German. Efficiency in execution is the direct correlative of unity of purpose and simplicity of ends; and unity of purpose and simplicity of ends are exactly what a state of the German type is adapted to secure.

The basis of such a state is not liberty (as Aristotle would have it for democratic states), but loyalty—the great virtue of feudalism. The institution of feudalism

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was Germany's first gift to European civilization. After the breakdown of the Roman Empire, the Germanic tribes which were Rome's destroyers reorganized western Europe on the basis of feudal law; and the key to that law is the loyalty of vassal to suzerain. A man's security, in the feudal system, lay in being some other man's man, and in being true to that other man; personal dependence, not personal independence, is the structural principle. There is no direct relation of the individual to the law, as in the Roman system, but only of the individual to the higher individual, up to the sovereign, who is himself supported, as is the capstone of an arch, by the hierarchical edifice to which he gives solidity. In Germany, France, and England, and even in Italy, this feudal law became the dominant feature of mediæval states. It was broken in Italy by the Renaissance democracies, in England by the Magna Carta, in France by the Revolution; but it remains to this day the outstanding feature of the polity of those imperial German states from whose remote founders it first issued. Indeed, I am inclined to think that the nub of what Western Europe calls Prussian militarism is feudalism pure and simple. And Hegel, in his conception of a hierarchical universe, of which the hierarchical state is only a lesser image and division, is, I believe, but speaking in philosophical terms the political meaning of German feudalism.

Clearly, in such a state equality and the liberty which is associated with equality have no place. Its political principle is self-surrender, inequality, and its virtue is loyalty to a superior. There may be a kind of humanitarianism involved in the conception, the faith of the man in his master, but there is an utter destruction of that West European humanitarianism based on equality before the law and the faith of man in man.

This, however, is not a condemnation of philosophical feudalism, if I may so term the German view; it is merely a definition of its difference from our own view. Surely we can never condemn such a polity if it be true, as so stout a Ghibelline as Dante affirmed and so stanch a

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Ghibelline as Kaiser Wilhelm II vociferates, that the Empire is the visible expression of God's will on earth. Dante's noblest verse is that in which he sums up the spiritual unity of a feudal universe—*E la sua volontate è nostra pace*,—and I suppose that it could be only Satanic rebels who would care or dare to oppose the will of a divinely inspired empire. The one question which remains, if we accept, as many do, the feudal conception of the cosmopolis, is as to the authenticity of the German inspiration,—or, to put it into more contemporary terms, the righteous superiority of German *Kultur*.

IV.

On this question even men who accept the Hegelian philosophy and acknowledge the supremacy of loyalty over liberty as the civic virtue, hold divergent views. But it is hardly a matter worth arguing. For it seems obvious that if you believe that God is the omnipotent suzerain of the universe, the event of Germany's victory or defeat will prove whether the Kaiser is indeed the Lord's most eminent feudatory,—for, as again Dante points out, trial by combat is the last determinant of justice in a feudal world: might is, as our German instructors have informed us, the proof of right, and military conquest a divine vindication of superiority.

But my philosophy is opposed to this, and I would argue against the whole view, irrespective of Germany's merits, of her successes or of her defeats. For the real question, as I see it, is not whether German culture is the culture providentially designed for all mankind, nor whether Germany is the providential instrument for its dissemination, but it is whether or not the German conception of the universe, and hence of polity, is true. I cannot believe that it is true.

In the first place I do not believe that the universe is exclusively mental and spiritual; I think that it is in part material, and that this materiality is an essential condition of whatever spirituality it may possess. That is to say,

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my philosophy is dualistic, or, as I should prefer to say, Platonic. Let us take the issue at its crux—the conditions of reason. Of all our mental and spiritual powers, reason is the most obviously mental and spiritual; and yet the whole exercise of reason is dependent upon the existence of material, or irrational, factors and situations into which reason introduces its own peculiar kind of order. To put the matter simply, reason acts through judgments. A judgment is always a decision between possible alternates —the rational and the irrational consequences of a situation. Without judgment, without choice, we could have no reason; and this means that the existence of reason is directly conditioned by the existence of the irrational—which is Plato's and my conception of the material. It means further that rational choice is always a free choice, and indeed that the essence of freedom is the power to make a rational choice.[1]

It is to the great credit of Dante and the mediævalists that they recognized this truth. For them freedom was no matter of libertine impulse; it was the gift of reason. "Free choice is free judgment in matters of will," is Dante's phrase, and this freedom of judgment he regarded as the greatest gift conferred by God upon the human race. The difficulty of the mediæval view—a difficulty which was never solved— is the reconciliation of *bona fide* choice with thoroughgoing foreordination.

If what has just been said about the fundamental con-

[1] I say this in full consciousness of the phrase "rational necessity"—a phrase which is wholly unfortunate in so far as it has been made the support of a theory of logical bondage. For rational determinism is in no sense analogous to physical or mechanical determinism: it is, in fact, an opposite quality. Rational necessity is fundamentally only respect for truth; it is a valuation of true judgments or decisions in preference to false judgments and decisions, and it is determination with respect to this valuation. If there were no alternatives involved, the word "necessity" would itself be meaningless (as essentially it is when applied to mechanical situations, which are without alternative outcomes until restated in ideal terms). Reason, therefore, is fundamentally based upon free choice in a situation presenting real alternatives; or, otherwise put, the essence of true freedom is rational choice, which is rational determinism.

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dition of reason be true, its implications with reference to states are not far to seek. Reason consists in free choice as between real alternatives; the existence of reason, therefore, rests upon the existence of conflicting possibilities. Reason within a state—no more than reason in human affairs generally—cannot exist except among a citizenship endowed with the power of free choice; an utterly "efficient" state can be neither rational nor free; the first condition of a reign of reason is a reign of freedom.

This is the first point in regard to political reason: that it can only exist in states whose citizens are free. But there is a second characteristic of almost equal pertinency to the times. This is the essential detachment of reason. Reason is conditioned by a material situation, but it is not itself material. It is essentially a condition of withdrawal from the material and the physical. We "stop to think," as we say; and the whole art of rational living is the cultivation of the power to withdraw from action for the sake of thinking. The main portion of our active life is a social life; but reason is mainly anti-social, individual, in character. It is a notorious fact that men reason least when their activities are most collective; the responsibilities of reason are far more with the closet scholar than with the orator of the forum; even generals are bomb-proofed when they plan their battles. Men act most efficiently for the accomplishment of determined ends when they act in groups, but they think most effectively when they think in severalty. The history of civilization, with its Plato, Archimedes, Galileo, Copernicus, and the rest, is loud in this asseveration. The den may have and does have its fallacies, but they are fallacies of logic, not of temperament, as are those of the forum and the rostrum.

The truth is that a state in which the will and desire to act is controlled by collectivist purpose, and not by free choice, is only an organized—and hence an especially dangerous—mob. The mob mind, no matter how complexly organized, is inferior to the individual mind, than which it is infinitely less rational. The excellences of

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mind (as history shows) develop in detachment from affairs, in the acquisition of what we call mental perspective, and not in social absorption. Individual detachment no less than individual liberty is requisite to all realization of ideal values.

If reason possesses the characteristics which I have assigned to it—free judgment and detachment from action, *i. e.*, liberty and individualism,—it follows inevitably that reason must be sought not n collectivistic states, but in democratical states, where liberty and individualism are prized. It follows, too, that such a metaphysical entity as the "overindividual state" of Professor Münsterberg or the "living being set high above individuals" of Professor Meyer is a rational monstrosity; and I cannot but feel that it is just this monstrosity which drives the non-Teutonic world to its present horror of the German state machine. There is in this machine's hugely brutal operation something at once fascinating and terrible, and, as with all terrible fascinations, something inhuman. To call it superhuman is quite in the Germanic vogue, but to men reared in the humanitarian school there is nothing complimentary in the epithet: the *Übermensch* can never be less than unlovely and ogreish.

Prussian militarism is not, in my view, a thing of arms and munitions; it is a point of v ew. A while back I said that it is a modern expression of mediæval feudalism. I will now add that it is feudalism despiritualized and imbruted by the superposition of a conception of the state in which true reason and hence true humanity have no part. No one, I trust, will regard this condemnation of a theory of the state as a condemnation of the German people nor even entirely of the German state; for no state, whether autocracy or democracy, is perfect of its type; and this is obviously true of Germany, which contains many elements of democracy, wherein, as I believe, are to be found the sources of the true greatness of the German people. But the essential character of an "overindividual state" and an "overindividual national mind" seems to

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me, both in its conception and in its present fruits, nothing short of damnable.

V.

In this criticism of the anti-democratical state I have tried to lay the foundations for a proper estimate of what should constitute the true democracy,—not such a democracy as we have in our United States of to-day, to the flaws and weaknesses of which no man is more willing to confess than am I, but such a democracy as we would have our state to be, could we reconstruct it according to the true principles of rational liberty.

It is a fact we cannot blink that historically democracies have been short-lived. Their equilibrium is unstable and likely to be ephemeral. This follows, inevitably perhaps, from the slothfulness of human nature; men do not cherish the responsibilities of thought, especially of rational thinking. It is much easier to act under command than to command, much easier to act than to think; the herd follows the leader because this is the path of least psychical resistance, and the ever-pressing peril of democracies is the willingness of the citizenry to become a led herd, to degenerate into an undisciplined mob. To many minds such an undisciplined mob is a more revolting spectacle than is the mechanically organized mob-soul of the autocratic state, and the bad democracy seems to be the worst of states. But here I am inclined to stand with Plato to the extent, at least, of maintaining that of all evil states the evil democracy is the least evil, and for the very reason that it is the least efficient.

But what of the good democracy? Plato regarded it as the least good of good states,—but on this I must part company with the ancient. I am willing enough to concede that the good democracy is less efficient than the good autocracy or oligarchy; but efficiency I cannot regard as the measure of goodness. Efficiency means only instrumentality; it is an agency, not an end; and in political institutions it happens to be an instrument whose perfec-

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tion defeats the proper ends of democratic states, as we see too often in our own "well oiled" politics. The proper ends of democracy are that law and justice which express the liberty of reason. These are not expressions of perfection, but of imperfection; they are not the products of concord, but of conflict; and their continued existence is dependent upon the continuation of the conflicts of which they are the partial, but never complete, harmonizations.

To put it quite shortly, justice, which represents the exercise of reason, and law, which represents a body of rational judgments, are both definable only in terms of irreconcilable conflicts. And democracies, which depend for their existence upon the exercise of reason by the individual citizens, are only possible where some degree of strife, some internal discord, prevails. I make no doubt but that this is what was in the background of Lincoln's mind when he said, "It has long been a grave question whether any government not too strong for the liberties of its people, can be strong enough to maintain its existence in great emergencies." History is not reassuring on this point, for the democracies of Athens and Rome and Florence were all too fleeting; and it would be arrogance and senselessness for us to assume any necessary superiority of rational resourcefulness over the men of these great cities.

How then shall we save our state and its ideals? Is a truly democratic liberty possible? Organization for material interests is essential to human society; yet organization of ideal interests is ruinous. Can we maintain the one and avoid the other? It is through ideality that we create, and if there is any primary right of man it is surely the right of the individual to create—to be something more than the voice and mouthpiece of others.

If a mean is to be found anywhere between the material necessity for collective action and the ideal necessity for individual thought, it will be found, I conceive, by way of the clearer conception of law and justice. In one of the most brilliant pamphlets which the war has called forth—*The War and Religion*—Alfred Loisy says: "What

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mankind yearns for in our time is an ideal of healthy freedom and real justice. It desires that force shall be utilized no longer to create laws, but that law shall regulate the use of force." Law, in the state, is the equivalent of self-control in the individual; justice is the equivalent of the restraint of reason and the love of truth. Liberty, which with the Greeks we must define as a mean between license and slavery, can exist only in states where the individual intelligences are eternally alert; hence, where there are real problems, involving real issues and real frictions of man with man. Liberty is the delicate equilibrium of life, and like all life it is a state of individual souls. The moment individuals are subjected to collectivist ideals, the state becomes mechanical and monstrous; on the other hand, the moment law and justice become uncritically institutionalized, the democracy becomes decadent.

In Justinian's *Digest* there is a definition of justice, quoted from Ulpian, which to my mind goes to the very heart of true statecraft: *Justitia est constans et perpetua voluntas jus suum cuique tribuendi.* Justice is a "constant and perpetual *will*"—justice is an unfailing hold upon the mental powers of thought and determination, an eternal alertness of the reason. It could not be better put; and I would only add to Ulpian's qualification that this eternally vigilant will should be directed not only to "rendering to each his due," but to defending in and for each his right.

I have stated my reasons for believing that this will, which is the essence of justice and hence of the liberty of states, is possible of cultivation only in democracies. But I have not shown that it is long possible there; nor am I sure that it is so. In the United States to-day I seem to see a petty efficiency prized over liberty, party loyalty over justice, subservience to mob expression over the exercise of individual reason. These, I believe, are symptoms of deep and biting disease. And for its cure I can conceive no other agency than the personal inspiration of personal

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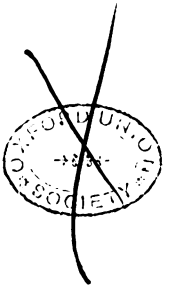
thought, that inspiration for which Socrates so greatly stood in the days of Pericles. Mordantly ironical, pitilessly just, indifferent to all save truth, Socrates allowed no weakness of sentiment or frailty of feeling to withstay his probing. He spared none save the intellectually dead. Hither and thither he went, stinging the lethargic souls of men, and leaving them to writhe with their problems. It was the ruin of the narrow efficiency of tyrants, but it was the salvation of that liberty of the reason which is the fountain of all liberty. The Athenian democracy put Socrates to death,—yes, but it was a death which was the suicide of the democracy, while for Socrates it was only the gateway to the city of truth.

HARTLEY B. ALEXANDER.

LINCOLN, NEB.



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THE LIMITS OF EFFECTIVE LEGAL ACTION.

ROSCOE POUND.

A STUDENT of the political institutions of republican Rome is continually impelled to wonder how any people could carry on a great government under a system involving so much division of authority, so many vetos, so many collegiate magistracies, and so complex a system of checks. In less degree as one studies the British constitution, as it was in the last century, the unwritten constitution, the government by custom and precedent, the respect for traditional lines between authorities and magistracies with large potentialities of theoretical jurisdiction, he can but wonder how an empire could be governed in such loose fashion. Even our American separation of powers and local self governments as they existed in full vigor in the last centuries nowadays awaken similar reflections in the student of political science. And it must be noted that the Roman system was only possible among a homogeneous, law-abiding people, living a simple life, and broke down in the heterogeneous, undisciplined, luxurious world-state of the Roman empire. Likewise the British system shows signs of great strain under the unwonted conditions of the present century, and our own worked much better in rural, agricultural, pioneer America of the nineteenth century than in the urban, industrial America of to-day.

What is true of political institutions is no less true of legal institutions. One can but marvel how the Roman law of Cicero's time, with its crude enforcing agencies, its crude methods of reviewing decisions, its crude methods of instructing tribunals as to the law, could ever have maintained itself, much less have developed into a law of the world. It could not have done so, indeed, except among a disciplined, homogeneous people, zealous to know the law and to obey it. For when men demand little of law, and enforcement of law is but enforcement of the ethical minimum

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necessary for the orderly conduct of society, enforcement of law involves few difficulties. All but the inevitable anti-social residuum can understand the simple program and obvious purposes of such a legal system, and enforcement requires nothing more than a strong and reasonably stable political organization. On the other hand, when men demand much of law, when they seek to devolve upon it the whole burden of social control, when they seek to make it do the work of the home and of the church, enforcement of law comes to involve many difficulties. Then few can comprehend the whole field of the law, nor can they do so at one glance. The purposes of the legal system are not all upon the surface, and it may be that many whose nature is by no means anti-social are out of accord with some or even with many of these purposes. Hence to-day, in the wake of ambitious social programs calling for more and more interference with every relation of life, dissatisfaction with law, criticism of legal and judicial institutions, and suspicion as to the purposes of the lawyer become universal.

Complaint of non-enforcement begins, indeed, in primitive law, when political authority is weak and there are persons or groups in the community too masterful for the nascent state to control effectively. This situation does not wholly disappear. Even to-day there are groups which at times prove able to over-awe administrative authorities and to thwart the equal administration of justice. But in general the causes of non-enforcement of law in modern times are more complex. To-day, for the most part, they grow out of over-ambitious plans to regulate every phase of human action by law, they are involved in continual resort to law to supply the deficiencies of other agencies of social control, they spring from attempts to govern by means of law things which in their nature do not admit of objective treatment and external coercion.

Whatever ideas jurists may entertain as to law-making, at present the layman's philosophy of law-making is voluntaristic. The layman believes that law may be made.

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He believes that law is a product of the will of the lawmaker. Accordingly, whenever he wills something that he would like to see enforced upon his neighbor, he essays to make law freely. We may grant that there is something to be said for the layman's views as to lawmaking as a needed reaction from the theories of legislative and juristic futility which prevailed in the nineteenth century. We may grant, if you will, that jurists would do well to acquire some part of the modern faith in the efficacy of conscious effort. Very likely if the lawyer were to acquire something of the layman's voluntaristic theory of law-making, and the layman to absorb some of the lawyer's reliance upon finding law and skepticism as to making law, it might be a useful exchange. But that is another story. The point for our present purpose is that the great activity of modern legislatures has made enforcement of law an acute problem. It has compelled us to turn to all manner of new enforcing agencies, such as inspectors, boards and commissions, while at the same time putting a severe strain upon our old enforcing agencies. In the past we have been much concerned with the abstract justice of legal rules but have been concerned little or not at all as to their enforcement. To-day we are almost willing to throw over our hard-won justice according to law in order to bring about speedy and vigorous application of new types of rules securing new interests. For example, modern statutes setting up public service commissions or industrial commissions very generally reject the common-law rules of evidence. Not only this but some of them, at least as interpreted, seem to require commissions to found their awards upon testimony which no common-law court would regard as a sufficient basis for judicial action. Again we are reverting in some degree to the crude methods of rough-and-ready adjustment of controversies imposed on primitive law by the desire for peace at any price. We have to go back to the tariffs of compositions in primitive codes, to such provisions of the beginnings of law as the "for every nail a shilling" of Ethelbert's dooms, to

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find an example of mechanical valuings in advance such as form the staple of modern workmen's compensation acts. But our enforcing machinery, staggering under a heavy burden as it is, was not equal to the task of speedy ascertainment of an exact reparation in every case under a novel theory of liability. In other words, the problem how to enforce the law is closely connected with the question how far all that we style law and seek to give effect as law is capable of enforcement; and when we look into the history of the subject we soon come to see that much of this problem of enforcing law is in reality a problem of the intrinsic limitations upon effective legal action.

On other occasions I have sought to generalize certain phenomena of legal history by referring the development of law to four stages and suggesting a fifth stage as the one upon which we are now entering. The first of these stages may be called primitive law. In this stage the religious, the moral and the legal are undifferentiated. Law plays a minor part in social control, seeking only to keep the peace by affording some peaceable substitute for private war. In this stage the state is relatively feeble. The significant social organizations are not political. Kinship is the tie that binds and men are united by the bond of common descent rather than of territorial association. The law, seeking to keep the peace among groups of kindred, which are the units of primitive legal systems, must proceed cautiously. Just as in an industrial dispute to-day we seek peace at any price and resort to all manner of indirect pressure to induce the disputants to arbitrate and thus save the public peace at whatever sacrifice of justice, so primitive law proceeded indirectly to induce households and clans to arbitrate and was content if it averted private war. In the same way the arbitrators in an industrial dispute to-day must make a decision that will go down, and are more anxious to make concessions than to apply principles or to do even justice. Thus in primitive law the limits of effective legal action were a problem of the first importance. In common phrase, it was always a serious question

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how far law could "get by." Abstract justice could never be the first consideration. Instead, while law was struggling to establish itself alongside of religion and the internal discipline of the household and the clan as an agency of social control, it was first necessary to consider how far the law could interpose effectively in preventing self-help and keeping the peace. If the law sought to do too much, futile efforts at enforcement but endangered the peace which law sought to maintain at all events. Thus a great deal of primitive law is purely hortatory. Instead of commanding, it exhorts and persuades. In the Anglo-Saxon laws, the king continually calls upon his people as Christians to keep the peace better than they have been wont. Only rarely does he threaten that he and his thanes will arm and ride to the community where a strong-willed and wrong-headed group of kinsmen defy his dooms. Often the law in this stage appeals to religion, as to-day we appeal to the public spirit of the disputants in case of a strike. The old Irish law could only say that if a chief allowed departure from the sound usages laid down from of old, he would bring bad weather upon his country. In the laws of Manu the threats of the law are spiritual, not temporal. Indeed outlawry, the first great weapon of the law, was borrowed from the armory of religion, where it bore the name of excommunication.

A second stage of legal development may be called the strict law. In this stage law has definitely prevailed as the everyday regulative agency in society. Moreover, it has gone beyond the primitive idea of keeping the peace at any cost and seeks to do justice by affording remedies to those who have suffered injury. But fear of arbitrary exercise of the power of granting and applying these remedies produces a system of strict law. The ends sought are certainty and uniformity in the decision of controversies and these ends are attained through rule and form. The cases in which the tribunal will interfere and the way in which it will interfere are defined in an utterly hard and fast manner. The rules are wholly inflexible. In

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this stage law and morals are sharply differentiated. The law regards nothing but conformity or want of conformity to its rules; the moral aspect of a situation, the moral aspect of conduct, are thought to be indifferent. Such was the *jus strictum* of the Roman republic, and such was the common law before the rise of the Court of Chancery. This stage of legal development raises no problems of enforcement of law. It requires no consideration of the limits of effective legal action. The law does not attempt to cover the whole field of human relations and of human conduct. It is content to deal with direct and forcible interference with interests of personality, with direct interference with property and possession, and with enforcement of a few of the staple transactions of economic life, when entered into in solemn form. Here the exigencies of rule and form alone prescribe limits. The neglect of enforcement of law, as a fundamental problem of legal science, is largely to be traced to the circumstance that our classical legal writings in all systems take their ideas of law from this stage.

In a third stage of legal development, represented at Rome by the classical period (from Augustus to the third century), in our law by the rise of the Court of Chancery and establishment of equity, and in the civil law by the modernizing of the Roman law under the theory of a law of nature in the seventeenth and eighteenth centuries, there is an infusion into the law of purely moral ideas from without. At Rome the Stoic philosophy, in England the ethical ideas of chancellors who were not common-law lawyers, in Continental Europe the philosophical ideas of political and juristic writers upon the law of nature were resorted to as liberalizing agencies, so that duty was put in place of remedy, reason was relied upon rather than strict rule, and attempt was made to identify the legal with the moral. In this stage the individual human being, as the moral unit, becomes also the legal unit. In all legal systems its distinguishing characteristic is the idea that the legal must be made to coincide at every point with the moral—that

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a moral principle simply as such and for that reason is to be also a legal rule. Thus, in a well-known case in the Year Books, when counsel argued to the chancellor that some things were for the law, and for some there was a subpœna in chancery, and some other things were but between a man and his confessor, the archbishop who presided over the tribunal thought it conclusive to answer that the law of his court was in no wise different from the law of God.

Questions of the limits of effective legal action become important once more when the legal system enters upon this stage of the infusion of morals. For in the attempt to treat the moral as legal simply because it is moral, the law ambitiously seeks to deal with the whole field of human conduct; it seeks to regulate every feature of human relations. Thus when the old Roman household had broken down and religion no longer sufficed to hold men to duties enjoined by piety and good morals, the Roman prætor sought to make legal duties out of gratitude, out of reverence for parents, and out of moral obligation toward those through whose bounty a slave had been manumitted. In the same way when the Reformation had taken away the coercive authority of the church and had put an end to its penitential system as an everyday means of social control, the English chancellor, to use the language of Maitland, "screwed up the standard of reasonableness to what many men would regard as an unreasonable height," and exacted a degree of benevolent disinterestedness so ultra-ethical as to require the interposition of Parliament. Both Roman equity and English equity in their flowering time show this tendency to be ethical at the expense of what is practicable; to make over bargains to fit the views of the tribunal as to how they should have been made; to be officiously kind, as Lord Justice James put it, in carrying out what the tribunal thought was good for the parties, even if they had not done it themselves; to make their action depend on the ethical features of the complainant's conduct rather than the legal right of the complainant or the wrong done by his adversary.

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Gradually the attempt to make law coincide with morals, to enforce over-high ethical standards and to make legal duties out of moral duties which are not sufficiently tangible to be made effective by legal means, remedied itself. Men soon perceived that it gave too wide a scope to magisterial discretion. For while legal rules are of general and absolute application, moral principles must be applied with reference to circumstances and individuals. Hence at first in this stage the administration of justice was too personal and therefore too uncertain. This over-wide magisterial discretion was corrected by a gradual fixing of rules and consequent stiffening of the legal system. Some moral principles, in their acquired character of legal principles, were carried out to logical consequences beyond what was practicable or expedient, so that a selecting and restricting process became necessary and at length the principles became lost in a mass of somewhat arbitrary rules derived therefrom. Others were developed as mere abstractions, and thus were deprived of their purely moral character. In this way transition took place to the next stage. But note a significant feature of this transition. The tribunal no longer tells us that its law is not other than the law of God. It no longer seeks to add legal sanction to the whole body of moral principles simply because they are moral. The legal field has again become a limited one, defined by rules, not an unlimited one capable of indefinite extension to cover all things within the reach of the moral zeal of the magistrate.

We may call the fourth stage of legal development, which results from reaction from the identification of law and morals, the maturity of law. In this stage, which is represented in both the great legal systems of the world by the nineteenth century, equality and security are the watchwords. To insure equality, the maturity of law insists upon certainty and consequently upon rules. To insure security, it insists upon property and contract as fundamental ideas. Thus in some measure it reverts to the methods of the strict law. What the latter sought through a system of

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remedies it seeks through a system of individual rights. Where the former sought to achieve certainty through inflexible rules, it seeks the same end through logical reasoning from fixed conceptions. In this stage also, as in the stage of the strict law, there is no need to trouble about the limits of effective legal action. Once more the law has a definite program, namely, to secure certain fundamental individual interests by delimiting them and enforcing legal rights coincident with the interests so recognized and delimited; and it is quite content to leave all other aspects of human conduct and all other human relations to such extra-legal agencies of social control as may be adapted to deal with them.

Hence in the nineteenth-century period of maturity and stability, all jurists agreed in ignoring questions of enforcement. The analytical school, regarding law as the command of the sovereign, conceived that enforcement was no concern of the jurist. If law was not enforced, it meant simply that the executive machinery was at fault. The historical school, thinking of law as an expression of the experience of a people in administering justice or as an unfolding in that experience of a metaphysical principle of justice, likewise held all questions of enforcement to be irrelevant. For the very existence of a rule of the common law showed that it was efficacious, and as to legislation, the historical jurist conceived that it attempted to make what could only be found, and hence was futile anyway. To the philosophical school there was but one question, namely, was the rule of law abstractly just? If so, they conceived it had a sufficient basis in its inherent justice and that the appeal to the conscience made by its accord with abstract and ideal justice must insure its efficacy in practice. Such ideas persisting into a period of legal expansion and copious law-making have much to do with the divergence between the law in the books and the law in action which is so marked in this country to-day.

I have already suggested that the maturity of law has much in common with the stage of the strict law. In con-

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sequence a certain opposition between law and morals develops once more, and just as the neglect of the moral aspects of conduct in the stage of strict law required the legal revolution, through infusion of lay moral ideas into law, which we call the stage of equity or natural law, so the neglect of the moral worth of the individual and of his claim to a complete moral and social life, involved in the insistence upon property and contract in the maturity of law, are requiring a similar revolution through the absorption into the law of ideas developed in the social sciences. Thus, as the strict law and the maturity of law are comparable in many ways, so the stage of equity or natural law and the stage of legal development upon which we are entering have much in common.

Compare, for example, the legislative limitations upon freedom of contract which are becoming so common to-day, with the limitations imposed upon contract by the chancellor. The common law enforced a penal bond, the chancellor enjoined enforcement beyond the actual damage. The common law enforced the condition of a mortgage according to the agreement of the parties; the chancellor allowed redemption after the condition had become absolute. The common law allowed men of full age and capacity to make their own bargains; the chancellor would not suffer a debtor to clog his equity of redemption and made over bargains for impecunious heirs and reversioners. Thus equity insisted on moral conduct on the part of creditors and lenders. To-day we insist on social conduct on the part of owners and employers. But this is only another way of putting the same thing. For a season society extends to certain classes a protection against themselves in order to secure the social interest in the full moral and social life of every individual. Again, just as equity restrained the unconscientious exercise of legal rights and legal powers, the legislation of to-day is limiting the power of an owner to dispose of his property, in order to secure the interests of those who are dependent upon him. The power of the legal owner of the family home was first

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to be restricted. But to-day more than one jurisdiction restricts the power of the husband to mortgage the household furniture bought with his own money and legally his, or to assign his own wages, earned by his own toil. Again, the present, like the stage of equity or natural law, is, in comparison with the maturity of law and the strict law, a period of reversion to lawless justice. The certainty of law, of which we were so confident in the last century, is no longer assured. Many parts of the law are in a state of flux. Experiments of all sorts are in the air, and all manner of administrative tribunals, proceeding summarily upon principles yet to be defined are acquiring jurisdiction at the expense of the courts. The rising Court of Chancery, the King's Council, the Star Chamber, the Court of Requests, and all the administrative organs of justice in Tudor and Stuart England, have their analogies in twentieth century America. The sixteenth century serjeant at law who complained that the chancellor set aside the law of the king's court because he was not acquainted with the common law, neither with the goodness thereof, would sympathize with complaints that may be heard at the meeting of any state bar association to-day.

Thus once more the law has an ambitious program of covering the whole range of human relations. Once more we have faith in the efficacy of effort to do things by law. As the chancellor would have the law of his court in no wise different from the law of God, and hence sought to make all moral duties into legal duties, so to-day the lawmaker would protect all the wider human interests which are clamoring for recognition by putting legal rules behind them and would enact into law everything which an enlightened social program indicates as a desirable ideal. Accordingly we begin to hear complaint that laws are not enforced and the forgotten problem of the limitations upon effective legal action once more becomes acute. Complaint of nonenforcement of law is nothing new. It is as old as the law and has been heard in this country from the beginning. But it is significant that in America such complaint has been

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heard chiefly in connection with the extravagant translations of Puritanical ideas of conduct into penal codes, known as blue laws, and the voluminous social legislation of to-day. It is significant also that the world over such complaint has been heard chiefly in periods when the law was seeking ambitiously to cover the whole field of social control, or in transitions to such periods. It is not an accident that the problem of application and enforcement of law has come to be regarded as the central one in the legal science of Continental Europe. If Anglo-American jurists are still thrashing the old straw of disputes as to the nature of law we must not be deceived. Those who must keep their eyes upon the law in action are discussing application and enforcement no less than the jurists of Europe. Such non-legal volumes as the proceedings of the Association for Labor Legislation and of the National Conference of Charities and Corrections tell the true tale of the significant question for the legal science of to-day. It is not a mere academic exercise therefore to set forth analytically the limitations inherent in administration of justice according to law, which preclude the complete securing through law of all interests which ethical considerations or social ideals indicate as proper to be secured.

One set of limitations grows out of the difficulties involved in ascertainment of the facts to which legal rules are to be applied. This is one of the oldest and most stubborn problems of the administration of justice. In primitive law there was the danger that debate over the facts would take the form of the very private war which the law was seeking to put down. Hence the law sought to settle the facts by some mechanical device—by ordeal, or casting lots, or even battle by champions—in other words, by some conclusive test that involved no element of personal judgment on the part of the magistrate and could not be challenged for partiality. The strict law relied on procedural forms for the same reason. Forms prevented dispute. The form was fixed and notorious. Men's ideas might differ as to whether there was something novel,

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called a substantial right, contained in or behind the form, and if so, as to what it was. But the form allowed no scope for such disputes, and in the beginnings of a legal system as well as in the primitive stage, a chief end is to avoid dispute. In any age or in any place where men are inclined on slight provocation to take the righting of wrongs into their own hands, the law that hesitates is lost. In time the legal system develops a rational mode of trial. Yet trial by jury was at first purely mechanical. And while we should not agree with the Year Books speaking from the days of verdicts on the common knowledge of the vicinage that a man's intent or a woman's age cannot be ascertained by legal trial, the exigencies of trial by jury impose many limitations upon legal securing of important interests. For example, the law is often criticised because it does not protect against purely subjective mental suffering except as it accompanies or is incident to some other form of injury and within disputed limits even then. There are obvious difficulties of proof in such cases. False testimony as to mental suffering may be adduced easily and is very hard to detect. Hence the courts, constrained by the practical problem of proof to fall short of the requirements of the logical system of rights of personality, have looked to see whether there has been some bodily impact or some wrong infringing some other interest which is objectively demonstrable, and have put nervous injuries which leave no bodily record and purely mental injuries in the same category.

Another set of limitations grows out of the intangibleness of duties which morally are of great moment but legally defy enforcement. I have spoken already of futile attempts of equity at Rome and in England to make moral duties of gratitude or disinterestedness into duties enforceable by courts. In modern law not only duties of care for the health, morals and education of children, but even truancy and incorrigibility are coming under the supervision of juvenile courts or courts of domestic relations. But note that the moment these things are committed to

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courts administrative agencies have to be invoked to make the legal treatment effective. Probation officers, boards of children's guardians and like institutions at once develop. Moreover one may venture to doubt whether such institutions or any that may grow out of them will ever take the place of the old-time interview between father and son in the family woodshed by means of which the intangible duties involved in that relation were formerly enforced.

A third set of limitations grows out of the subtlety of modes of seriously infringing important interests which the law would be glad to secure effectively if it might. Thus grave infringements of individual interests in the domestic relations by tale-bearing or intrigue are often too intangible to be reached by legal machinery. Our law has struggled hard with this difficulty. But the result of our action on the case for criminal conversation and alienation of affections, which long ago excited the ridicule of Thackeray, do not inspire confidence nor does the sole American precedent for enjoining a defendant from flirting with the plaintiff's wife assure a better remedy. So also with the so-called right of privacy. The difficulties involved in tracing injuries to their source and in fitting cause to effect compels some sacrifice of the interests of the retiring and the sensitive.

A fourth set of limitations grows out of the inapplicability of the legal machinery of rule and remedy to many phases of human conduct, to many important human relations and to some serious wrongs. One example may be seen in the duty of husband and wife to live together and the claim of each to the society and affection of the other. Formerly, so far as the husband was concerned, our legal system secured this interest in three ways, namely, by a marital privilege of restraint and correction, by a suit for restitution of conjugal rights, and by a writ of *habeas corpus* directed to one who harbored the wife apart from her husband. But the privilege of restraint and correction is incompatible with the individual interests of personality of the wife and is no longer recognized. The suit for

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restitution of conjugal rights, in origin an ecclesiastical institution for the correction of morals, sanctioned by excommunication, has long been practically inefficacious and is now obsolete. And the writ of *habeas corpus* may now be used only when the wife is detained from the husband against her will. To-day this interest has no sanction beyond morals and the opinion of the community. This was true also in the classical Roman law, and in modern countries ruled by the Roman law, as in those that are ruled by the common law, the chief security for the interest of husband and wife in the marital relation is simply the moral sense of the community. So little has been achieved in practice by the husband's actions against third parties who infringe this interest, tested in the law by centuries of experience, that the courts have instinctively proceeded with caution in giving them to the wife by analogy in order to make the law logically complete.

Law secures interests by punishment, by prevention, by specific redress and by substitutional redress; and the wit of man has discovered no further possibilities of judicial action. But punishment has of necessity a very limited field and to-day is found applicable only to enforce absolute duties imposed to secure general social interests. The scope of preventive relief is necessarily narrow. In the case of injuries to reputation, injuries to the feelings and sensibilities—to the "peace and comfort of one's thoughts and emotions"—the wrong is ordinarily complete before any preventive remedy may be invoked, even if other difficulties were not involved. Specific redress is only possible in case of possessory rights and of certain acts involving purely economic advantages. A court can repossess a plaintiff of Blackacre, but it cannot repossess him of his reputation. It can make a defendant restore a unique chattel, but it cannot compel him to restore the alienated affections of a wife. It can constrain a defendant to perform a contract to convey land, but it cannot constrain him to restore the peace of mind of one whose privacy has been grossly invaded. Hence in the great majority of cases

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substitutional redress by way of money damages is the only resource and this has been the staple remedy of the law at all times. But this remedy is palpably inadequate except where interests of substance are involved. The value of a chattel, the value of a commercial contract, the value of use and occupation of land—such things may be measured in money. On the other hand attempt to reach a definite measure of actual money compensation for a broken limb is at least difficult; and valuation of the feelings, the honor, the dignity of an injured person is downright impossible. We try to hide the difficulty by treating the individual honor, dignity, character and reputation, for purposes of the law of defamation, as assets, and Kipling has told us what the Oriental thinks of the result. "Is a man sad? Give him money, say the Sahibs. Is he dishonored? Give him money, say the Sahibs. Hath he a wrong upon his head? Give him money, say the Sahibs." It is obvious that the Oriental's point is well taken. But it is not so obvious what else the law may do. If, therefore, the law secures property and contract more elaborately and more adequately than it secures personality, it is not because the law rates the latter less highly than the former, but because legal machinery is intrinsically well adapted to securing the one and intrinsically ill adapted to securing the other.

Finally, a fifth set of limitations grows out of the necessity of appealing to individuals to set the law in motion. All legal systems labor under this necessity. But it puts a special burden upon legal administration of justice in an Anglo-American democracy. For our whole traditional polity depends on individual initiative to secure legal redress and enforce legal rules. It is true, the ultra individualism of the common law in this connection has broken down. We no longer rely wholly upon individual prosecutors to bring criminals to justice. We no longer rely upon private actions for damages to hold public service companies to their duties or to save us from adulterated food. Yet the possibilities of administrative enforcement of law are limited also, even if there were not grave ob-

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jections to a general régime of administrative enforcement. For laws will not enforce themselves. Human beings must execute them, and there must be some motive setting the individual in motion to do this above and beyond the abstract content of the rule and its conformity to an ideal justice or an ideal of social interest. The Puritan conceived of laws simply as guides to the individual conscience. The individual will was not to be coerced. Every man's conscience was to be the ultimate arbiter of what was right and wrong at the crisis of action. But as all men's consciences were not enlightened, laws were proper to set men to thinking, to declare to them what their fellows thought on this point and that, and to afford guides to those whose consciences did not speak with assurance. Such a conception, suitable enough in a sparsely settled community of pioneers, is quite impossible in the crowded industrial community of to-day with its complex organization and clash of conflicting interests. Yet many still think of law after the Puritan fashion. One social reformer told us recently that the real function of law is to register the protest of society against wrong. Well, protests of society against wrong are no mean thing. But one may feel that a prophet rather than a law-maker is the proper mouthpiece for the purpose. It is said that Hunt, the agitator, appeared on one occasion before Lord Ellenborough at circuit, *a propos* of nothing upon the calendar, to make one of his harangues. After the Chief Justice had explained to him that he was not in a tribunal of general jurisdiction to inquire into every species of wrong throughout the kingdom but only in a court of assize and jail delivery to deliver the jail of that particular county, Hunt exclaimed, "But, my Lord, I desire to protest." "Oh, certainly," said Lord Ellenborough. "By all means. Usher! Take Mr. Hunt into the corridor and allow him to protest as much as he pleases." Our statute books are full of protests of society against wrong which are as efficacious for practical purposes as the declamations of Mr. Hunt in the corridor of Lord Ellenborough's court.

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Much advance has been making of late in the art of drafting legislation and in the study of comparative legislation. But in an age of legislative law-making much more is required. The life of law is in its enforcement. The common-law rule came into being through enforcement and application and the situations that brought about its existence determine its life. The statutory rule, on the other hand, is made *a priori*. It is not necessarily a living rule when it is put upon the books. Occasion to apply it judicially may not arise till long afterward. Morever it is an abstract rule and the situation that led to its existence goes rather to its interpretation than to its validity as a rule. Hence it is not enough for the law-maker to study the form of the rule and the abstract justice of its content. He must study how far cases under the rule are susceptible of proof. He must study how far by means of his rule he may set up a tangible legal duty capable of enforcement objectively by legal sanctions. He must consider how far infringements of his rule will take on a palpable shape with which the law may deal effectively. He must study how far the legal machinery of rule and remedy is adapted to effect what he desires. Last and most of all he must study how to insure that someone will have a motive for invoking the machinery of the law to enforce his rule in the face of the opposing interests of others in infringing it.

ROSCOE POUND.

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JOSIAH ROYCE—A PERSONAL IMPRESSION.[1]

GEORGE H. MEAD.

MY OWN response to Professor Royce in 1887–88 may, I think, be regarded as fairly typical of his appeal to many of the young men and women who found themselves caught in the speculative problem of the time. That problem had been fashioned in theology. Even those who were outside the churches had in the back of their minds the fundamental assumptions of the philosophy of the church: that the world was ordered by some personal purpose whose result was assured, while the successful results of the lives of individual men and women depended largely upon their willingness to fit into this rational moral purpose—that this purpose was bound in some way to realize the fullest development of their individual thought, culture, and character. The problems that intrigued us were still largely speculative. The social questions had not as yet become insistent, nor were we caught as yet in scientific implications of these later years. We wished to be free to follow our individual thinking and feeling into an intelligent and sympathetic world without having to bow before incomprehensible dogma or to anticipate the shipwreck of our individual ends and values. We wanted full intellectual freedom and yet the conservation of the values for which had stood Church, State, Science, and Art. We came out of a narrow Scottish intuitional philosophy, that crystalized problems into dogmas, and paralysed thought; out of a puritan conception of life that standardized conduct by self-denials both passional and economic, and yet found in the business and social success which the community approved a sort of guarantee of rightness with God and His universe. Emerson had represented for us a mood

[1] Read at a meeting in commemoration of Josiah Royce held at the University of Chicago November 22, 1916.

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rather than a method, and only irritated our thirst for a doctrine which would let us think without barriers and still do God's service in a world of moral order.

We had the docile attitude of those who had received their culture and science from abroad, and out of whose democratic achievements had arisen no thought or act that could measure up to those of Europe. Politically we might think ourselves the leaders of the world. Those who thought and read and travelled made no pretensions of our having expressed the meaning of life either in lasting aesthetic or philosophic forms. To youths of such minds and attitudes Professor Royce opened up the realm of romantic idealism. What had been barriers of thought became but hazards in the game. Contradictions, instead of marking the no thoroughfares of reflection, became the guide posts toward higher levels of reality. To have achieved the dialectic was to have won a liberty that not only needed no eternal vigilance to insure its security, but even found in any threatened restraint only wider fields within which to range. And yet this intoxicating doctrine proved the reality of God by the very notion of error. Out of it blossomed a forever waxing individuality, higher spiritual orders of church and state, and a true infinity that was the heritage of anyone who could think—*à la* Hegel.

And then this came not only in the form of philosophy; it was embalmed also in culture—and puritan America took over in the form of culture what it would never have tolerated in life and conduct, much as one delights in the insects which have been incased in yellow amber. There should be a special edition of the *Spirit of Modern Philosophy* bound in tooled morocco with illuminated borders and initialed paragraphs and illustrated with preRaphaelite art—to symbolize what it meant to young men when Royce first taught in Cambridge.

The predominant impression he left upon me was of clear ideas and luminous vistas, of subtle athleticism of thought, and an inexhaustible universe of explication and illustration. Philosophy was no longer the handmaid of theology

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nor the textbook for a formal logic and a puritan ethics. The bodily reality of the world was of the texture of thought —and if anywhere this idealistic doctrine has been achieved it was in the audience of Josiah Royce.

He was no jealous occupant of the platform. He delighted in the thinking and expression of others. The generosity of his appreciation left a warmth behind that inevitably grew into an affection that went with the admiration which the operation of his powerful brain always inspired, while the keenness of his questions detected inaccuracies and pricked the bubbles of spurious conceptions.

I could follow his courses, unfortunately, only through one term and part of another, for a physical breakdown took him away during the winter. But I received an impression from him of freedom of mind, and of dominance of thought in the universe, of a clear unclouded landscape of spiritual reality where we sat like gods together—but not careless of mankind—and it was a vision that followed me for many years.

GEORGE H. MEAD.

UNIVERSITY OF CHICAGO.

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REPORT OF THE ROYAL COMMISSION ON VENEREAL DISEASES.

A. MAUDE ROYDEN.

THE almost revolutionary change which has taken place in the attitude of the public towards venereal diseases may well encourage reformers leading the forlornest of hopes in the future. One is tempted to erase the word "almost," for the Report of the Royal Commission, with the evidence taken by the Commissioners, shows an advance on what has been thought and said, recommended and executed before, which is swift enough and sweeping enough to be called without reserve a revolution. Secrecy and indifference have given way to an anxious and wide-spread interest which has broken down—we hope forever—the almost incredible prudery which prevailed, not only in the minds of the general public, but even between physician and patient, doctor and nurse. The unfortunate effect of secrecy and indifference combined may be measured by the almost complete absence of any statistics of disease on which the least reliance can be placed; the only exception being the figures given for the army and navy. It is reflected also in the curriculum of the medical student, which, though crowded almost beyond endurance with any and every subject, observes towards venereal disease a studied neglect. And this in spite of the fact of its enormous importance to the race, and its connection with so many other human ills that Sir William Osler[1] even asserted that to study it was to "box the whole compass in medicine." We may well rejoice at a change which allows the discussion of so great a scourge not only among experts but among the laity, which permits women as well as men to sit on a Commission of enquiry, and has opened to those who would spread knowledge, not only the public platform, but the press.

[1] *Minutes of Evidence.* Cd. 8190, par. 14,035.

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It is worth remembering that, even before the outbreak of war, pioneer work on educational lines was being done, notably in Liverpool, where a committee of medical men and women were engaged in organizing lectures to men *and women* on this subject. Nor has their work been suspended because of the war. On the contrary, it has been pursued with all the greater vigour, though naturally—since so many men are now in the army, it has been very largely specialized among soldiers. Nevertheless, the work among women has gone forward also, and it has been safe to say that few indeed have been surprised or horrified.

The change in public opinion has coincided happily with rapid advance in scientific knowledge both of the causes of disease and of more hopeful treatment. The discovery of the micro-organism of gonorrhœa, the *gonococcus*, in 1879, and of the *spirochæta pallida*, the specific organism of syphilis, in 1905, were followed by the application of the Wasserman test in 1907, which is of inestimable value in the diagnosis of syphilis. Almost simultaneously came the discovery of a new method of treatment by salvarsan, which, if it is not the miraculous and instantaneous cure which the excitement of an inexpert public at first conceived it to be, nevertheless enormously helped towards a better mind on the subject, by importing into it the element of hope. The individual sufferer is more willing to try, the public to provide, a remedy of so sovereign efficacy as salvarsan; while before a feeling almost of despair made the sufferer indocile to treatment, and the public apathetic.

This beneficent change has come none too soon. The Royal Commission was appointed, and began its sittings, before the outbreak of war. But the revelation of the seriousness of venereal disease to the race, its connection with ills innumerable, and the yet inestimable burden of expense which it has thrown upon the community, is rendered still more alarming by the fact that the nation is not only now at war, but is at war on a scale compared with which all other wars seem insignificant. Yet every war of modern times has been followed by a leap up in the inci-

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dence of venereal disease. It is not necessary to seek for reasons; they lie upon the surface. But we can hardly be thankful enough that, when the race is threatened with infection upon so terrible a scale, we are also scientifically better able to deal with the danger than before, and, as a public, more willing to face it in a reasonable spirit.

It is unfortunate that statistics on the subject are almost non-existent. Not only has the connection of syphilis with many other diseases only recently been demonstrated, but the sense of disgrace attaching to the disease has prevented doctors, in innumerable cases, from stating on the certificate the true cause of death. Under euphemisms such as "marasmus," "atrophy," and "congenital debility," the part played by venereal disease in sustaining the infant death-rate has been concealed. Miscarriages are still exempt from notification. Hence Doctor Stevenson's dictum that "the worthlessness of the returns" (of the Registrar-General) "as an absolute statement of the number of deaths from venereal disease scarcely requires demonstration."[2] Doctor Stevenson appends some curiously interesting examples of death certificates, on which the true cause of death was not given because "it was undesirable that the family should know," or "the insurance company would have declined to pay up."[3] And the same reasons, with others, operate against the reliability of statistics in general. At present only one form of the disease, *opthalmia neonatorum*, is compulsorily notifiable, and that only since April 1, 1914.[4] On the other hand, certain other diseases (notably, general paralysis of the insane, and locomotor ataxy) have been freely mentioned, because their connection with venereal disease was not known. But this helps us very little towards a reliable estimate of the incidence of venereal disease as a whole, and consequently none of the witnesses called by the Royal

[2] Cd. 8189. Appendix i, p. 71.

[3] Cd. 8189. Appendix i, p. 77.

[4] Before this date, local authorities could get permission to make the disease notifiable.

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Commission were willing to commit themselves to a statement as to whether it was increasing or not. There was a general impression—still, however, tentatively expressed—that syphilis was of a less virulent type than formerly; but even so, Sir William Osler put it, "third or fourth among the killing diseases,"[5] and recent research into the connection between venereal disease and other ills shows its seriousness both to the individual and to the race to be past exaggeration. The Report speaks of a "mass of evidence" received by the Commissioners "pointing to the fact that arterial disease of syphilitic origin may directly or indirectly be the cause of many fatal diseases bearing another name than that which was primarily responsible for their occurrence,"[6] and quotes the saying "that a man is as old as his arteries" to point the moral of this assertion. There follows an appalling list of disorders, among them paralysis (hemiplegia and paraplegia), "blindness, deafness, disorders or loss of speech, loss of memory, mental enfeeblement, epileptiform convulsions," and locomotor ataxy, optic atrophy, and general paralysis of the insane.[7] Startling as such a statement must be to the lay public, it will perhaps surprise less than the stress laid on the equal seriousness of gonorrhœa. This form of venereal disease has been generally regarded as comparatively trifling. According to Sir Clifford Allbutt, "it used to be rather the fashion when a young man came with syphilis or gonorrhœa to treat it in a half jocose way,"[8] and the levity which used to characterize the attitude of a man's mind towards syphilis still prevails very generally in the case of gonorrhœa. Sir John Collie told the Commissioners that patients "admit gonorrhœa more readily than syphilis," and "do not appreciate" its seriousness, "in the very least."[9] Yet the Report certainly does not exaggerate

[5]Cd. 8190, par. 14,009.
[6]Cd. 8189, p. 25.
[7]Cd. 8189, pp. 25, 26.
[8]Cd. 8190, par. 13,571.
[9]Cd. 8190, pars. 17,549, and 17,552. See also pars. 21,504 and 21,506.

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when it speaks of "evidence proving the seriousness of this disease, not less than syphilis, and to men hardly less than to women." On this point the Report states that "it is impossible to exaggerate the importance of gonorrhœa in women." [10] It was in answer chiefly to the searching questions put by a woman commissioner, Dr. Mary Scharlieb, that the facts were elicited which justify this statement. And its gravity is increased when we come to measure the loss inflicted not only on the individual but the race. "Gonorrhœa is said to be the commonest cause both of absolute and relative sterility in women." [11] It inflicts suffering also on the child if there is one. "As much as twenty-five per cent of all blindness has been attributable to gonorrhœal opthalmia." [12]

Syphilis, also, it is hardly necessary to add, takes its toll of the race. The Commissioners received much evidence showing that hereditary syphilis is an even more serious disease than the acquired form, since it attacks tissues still in the process of development. "It is a frequent cause of ante-natal death, producing abortion, miscarriage, or still-birth." [13] The less fortunate infected mothers bear not dead but living children, who may be blind, deaf, "ricketty," mentally deficient, or otherwise unfit for the battle of life.[14]

It is appalling to think of the mass of innocent suffering represented by such figures as those quoted in the Report. For example: "In the case of 34 syphilitic mothers, Doctor Mott found that 175 pregnancies resulted in only 30, 'apparently healthy' children, leaving 104 premature births, still-births, or deaths in infancy, and 41 'seriously diseased' offspring. Of the apparently healthy children, it is possible that some may show the effects of congenital disease

[10] Cd. 8189, p. 27.
[11] Cd. 8189, p. 28.
[12] Cd. 8189, p. 31.
[13] Cd. 8189, p. 29.
[14] The magnificent work done by Doctor Macalister at the Heswall Hospital of Chronic Diseases of Children revealed the syphilitic taint in an extraordinary number of cases.

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later."[15] And again, of 22 married women suffering from tabes, or tabo-paralytic dementia, 7 were sterile, and out of 69 pregnancies, only 10 children were alive.[16]

Doctor Yearsley gives the same gruesome witness.[17] Taking the history of 49 infected families, he found "289 pregnancies, 38 miscarriages, 87 died in infancy, 168 living, 54 deaf and blind, and 13 born before syphilitic symptoms showed in the parents."

The cost of suffering (much of it innocent) to the individual is not susceptible of measurement. The cost in sheer expense to the community we are beginning to be able to estimate. It costs ten times as much to educate a deaf child as a normal child: seven times as much to educate a blind one.[18] And when educated, the unfortunate cannot be, except in very rare cases, as productive a worker as he with eyes and ears. The education of the mentally deficient child, again, is exceedingly costly, and cannot be expected to produce a self-supporting worker. And "in their later manifestations, both gonorrhœa and syphilis are responsible for a vast amount of incapacity." Prisons, hospitals, asylums, workhouses, alike bear witness to the positive loss of waste, as well as to the negative loss of non-productiveness, and we shall all agree with the Commissioners that "the resulting total must be enormous."[19] The sense of this is already influencing the minds of those on whom the cost largely falls, to a more far-sighted policy of remedial measures. The case for prevention rather than cure acquires enormous strength when the consequences of venereal infection are seen on such a scale.

The recommendations of the Commissioners are directed both to the relief of present suffering, and to the rooting out of the diseases themselves. They deal with education, with marriage, with the training and responsibilities of

[15]Cd. 8189, p. 30.

[16]Cd. 8189, p. 30. See also Appendix xvi.

[17]Cd. 8190, par. 18,146. And Cd. 8189. Appendix xvi.

[18]Cd. 8189, p. 32. Note that Doctor Yearsley's "54 deaf or deaf and blind" are stated in the Evidence (par. 18,147) to have been *all* both deaf and blind.

[19]Cd. 8189, p. 34.

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doctors, with the questions of notification and detention, and with facilities for diagnosis and treatment of the disease.

A considerable amount of evidence was taken on the subject of the education of the young in the physiology of sex. While most of the witnesses were agreed upon the unwisdom of dwelling on its pathological aspects (a point on which the Commissioners were also at one), they were all impressed with the need for some clear and systematic instruction in physiology. There was more hesitation in deciding by whom, at what age, and in what manner, the instruction should be given. That neither teachers nor parents were, except in exceptional cases, fit to give it, or (in fewer cases) willing for it to be given, seems to be an established fact. Probably this is partly due to age-old prejudice, but partly also by the fact that no one has any precedent to go by, and in creating even the best system, some mistakes are bound to be made. On a subject so important and so delicate people are naturally afraid to make mistakes. Some teachers therefore "skate round these subjects" in such a way as to be "safe but useless."[20] Others let them alone. Others, like Doctor David, headmaster of Rugby, Doctor Lyttelton, late headmaster of Eton and, Mr. Paton, headmaster of the Manchester Grammar School, have made great efforts to induce parents to take the responsibility that rightly belongs to them, and failing in this, are trying to solve the problem themselves as far as they can. Individual instruction is the method preferred by them, and recommended in the Report,[21] apparently both for boys and girls. It is a matter for regret that no headmistress of the great girls' schools, such as Cheltenham College, North London Collegiate School, St. Leonard's or Roedean, was asked to give evidence on this point. It would be interesting to know whether they were in advance of, or even further behind, the great head-

[20]Cd. 8190, pars. 21,863, and 21,865.
[21]Cd. 8189, p. 60.

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masters on this point; and what the attitude of parents was with respect to their daughters. In the elementary schools there seems to be much indifference and some opposition. The Report urges "that there is an urgent need for more careful instruction in regard to self-control generally, and to moral conduct as bearing upon sexual relations throughout all types and grades of education. Such instructions should be based upon moral and spiritual considerations, and should by no means be concentrated on the physical consequences of immoral conduct."[22] Teachers, public authorities, and parents are reminded of their common responsibilities in this matter.

In view of the facts developed, it is perhaps a pity that no recommendation is made about the importance of knowledge to married women. The splendid educational work done by the National Council for Combating Venereal Diseases[23] has—necessarily, perhaps, as a result of the war—been chiefly among men. It is more difficult to break through the barriers of prejudice and reserve which make the women less accessible, but it is surely not a whit less important. Not only are they the first to whom the child carries his eager questions, but they are the guardians of the race on which venereal disease has made such terrible inroads. Yet comparatively few know anything worth knowing about the danger to themselves or to their children. Again and again in giving evidence, couched in the strongest terms, about the absolute necessity of knowledge, both as a protection from danger, and as an inducement to treat seriously so serious a disease, witnesses changed their tone when asked if this knowledge was to be given to infected married women. Again and again doctors hesitated to decide upon so difficult a point. Yet surely knowledge as a protection can never be needed

[22] Cd. 8189, p. 60.

[23] Founded (Nov. 11, 1914) in order to carry into effect the recommendations of the Royal Commission. The Council consists of a large proportion of medical men and women with a number of the laity. Its first President was Sir Thomas Barlow, its second (and present), Lord Sydenham.

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so urgently as by such women. The need is pointed when, in connection with the statistics given by Doctor Yearsley,[24] the mothers are described as "most of them . . . totally unaware" of the cause of these tragedies, and their medical adviser "did not speak about the cause" to them. But most of us, probably, have come across cases in which one miscarriage or still-birth succeeds another, and the mother goes back to her husband in complete ignorance of the cause of such horrors. It is true that the Commissioners[25] later recommend that the doctor who warns a man or a woman, or their guardians, that an intended spouse is not fit to marry, should be protected from a possible libel action, such warning being made "a privileged communication"; but this, while good so far as it goes, does nothing to protect the woman already married. And the recommendations with regard to nullity and divorce, if carried out, would still require some degree of knowledge to be generally effective. And where so much is said of the hideous results of infection in marriage, on wife and children, so much of the vital importance of knowledge, and so much of the marvels that can be effected by medical science even after the child is conceived, it is disappointing that no stress is laid on the wrong committed by leaving an infected woman in total ignorance of the cause of her suffering, exposed to the horrible dangers which ignorance invites. The proposal made in some quarters to make a certificate of fitness necessary for marriage is dismissed by the Commission as "not possible at present."[26] Probably this is a wise decision in the present state of public opinion, but it might have been advisable to discuss the subject at greater length, and consider whether what it is not possible now to enforce (or try to enforce) by law, might not by degrees come to be demanded by an enlightened public opinion.

The Report, however, goes on to recommend that vene-

[24]Cd. 8190, pars. 18,143 to 18,145.
[25]Cd. 8189, p. 56.
[26]Cd. 8189, p. 56.

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real disease in husband or wife at the time of marriage should be a ground for nullity.[27] On this they are at one with the Royal Commission on Divorce and Matrimonial Causes, and probably with at least a section, if not all, of those who are on religious grounds absolutely opposed to divorce. It is an interesting point, and should call the attention of extremists to the fact that the old canon law is much more humane than some of its modern interpreters. It is also at least arguable that an interpretation of the saying of Christ, "Those whom God hath joined together let no man put asunder," which takes into consideration the obvious fact that some who are legally married were certainly *not* "joined together" by God, and therefore are not truly "married," is not only more humane in its operation, but much more lofty in its conception of marriage, than a narrower school of thought. At least it is a fact that under canon law there are no causes sufficient for divorce (in the modern sense, allowing remarriage), but an extraordinary number of "grounds for nullity," and no one need therefore shy at the proposal to make venereal disease such a cause.

The Commissioners also accepted the view of Sir Samuel Evans[28] that venereal disease contracted after marriage and knowingly communicated to the wife, is a "sufficient cause" for divorce, since it implies both infidelity and cruelty. This is now the accepted judicial view, the burden of proof that the communication of disease was not deliberate and wilful lying with the husband.

None of these recommendations, however, would have won for the Royal Commission the deserved compliment paid to it by Sir Malcolm Morris[29] that it was one of the very few such Commissions whose report was to issue in

[27] Cd. 8189, p. 57.

[28] Sir Samuel Evans stated (Cd. 8190, par. 21,096) that the communication of disease to the wife was an "absolutely" sufficient cause for divorce; but that he intended to say "of disease contracted after marriage" is clear from pars. 21,098 to 21,105.

[29] At the Annual Meeting of the National Council for Combating Venereal Diseases, June 23, 1916.

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practical results. This quality belongs rather to the recommendations concerning the diagnosis and treatment of venereal diseases, and it is the prompt action already being taken on those recommendations which will make this report an epoch-making document in the history of both medicine and morals.

It is here, too, that we realize most clearly the revolution that has taken place in public opinion. The Commissioners set down the meagre chronicle of measures taken in the past.[30] It is a short list, consisting of "recommendations" never (fortunately) carried into effect; one or two enquiries, and one tragic blunder, or series of blunders—the Contagious Diseases Acts.[31] The Report then goes on to recommend measures of the most radical and scientific kind; insists upon their urgency; asks for the whole cost to be borne by the community,[32] and within a few weeks is accepted by the government! It is a revolution.

Hitherto it is hardly too much to say that facilities for the treatment of venereal diseases have either not existed, or existed as a punishment for a moral offence. The only place to which a patient, not wealthy, could go, was the lock hospital, or lock ward of a hospital. And though some of these have done splendid work, most of them have mingled punishment with relief, and all, whether willingly or unwillingly, have inflicted a moral stigma on those who frequent them.[33]

The ordinary hospitals in many cases have refused, out of deference to the wishes of subscribers, to take in patients who might be regarded as suffering deserved chastisement at the hands of the Almighty. Their wards crowded with the victims of over-eating, over-drinking, over-indulgence of every kind (not, need it be said, necessarily their own), these governors and subscribers have persisted in

[30] Cd. 8189, pp. 1–3.

[31] 1864, 1866, and 1869. Repealed 1886. Though the operation of these Acts did not fall within their terms of reference, the Commissioners nevertheless placed on record their conviction that they were a failure (Cd. 8189, p. 2).

[32] Seventy-five per cent by the state, 25 per cent by the local authority.

[33] Cd. 7475, pars. 5359–5362.

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regarding the often equally innocent victims of venereal disease as on a pedestal of pre-eminent badness, and have averted their gaze. In the infirmaries[34] the old idea that treatment of venereal disease must be penal has been gradually dying, but still exists, and nowhere has provision been made for separating the really guilty from the totally innocent, the prostitute debauched by long years of life on the streets, from the respectable married woman infected by her husband, or the little child outraged by some brute.[35] In consequence, no woman who can possibly avoid it will endanger her reputation by seeking such "facilities"; none, of whatever class, will stay longer than she is obliged,[36] or nearly long enough to be cured of any but the more obvious of her symptoms. The whole subject has been so wrapped in secrecy that the suffering of the innocent has been overlooked and confounded in one moral condemnation with that of the guilty; while the guilty have been allowed—almost compelled—to spread infection, rather than that a virtuously indignant public should consent to their being humanely and adequately treated. Hospitals have refused them aid, insurance societies have refused them sick pay, medical students have gone ignorant of their malady, the world has refused to think about them.

And now, in the words of the Royal Commission,[37] "responsibility for the measures adopted" must be "undertaken by the state." The facilities for the treatment of disease must be "so organized that persons affected . . . will have no hesitation in taking advantage" of them. The money must be raised, 75 per cent by the state, 25

[34] See "An Enquiry in Ten Towns," by F. M. McNeill and F. J. Wakefield, pp. 34–41.

[35] Cd. 8190, pars. 13,693, 13,694, 13,874, 13,878, and others.

[36] Some lock hospitals and wards are run on much more humane lines than others, and are able, in consequence, to keep their patients longer. The latest departure is the department recently opened at the London hospital, where venereal diseases are treated with the utmost skill and care, each patient having a special room, and none being "labeled" by names suggestive of their malady to the outside world. This noble work was made possible by a munificent grant of £10,000 from the Grocers' Society.

[37] Cd. 8189, p. 46.

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per cent by the local authority. County and borough councils are to be the local authority, and to frame the necessary schemes. "Institutional treatment should be available for the whole community," and everyone should be able to secure treatment, "irrespective of his place of residence."[38] The most expensive drugs (including of course salvarsan), the most searching tests for diagnosis, are to be provided free of cost. No compulsion,[39] but every possible attraction, should be offered to the infected to present themselves for treatment.

No sooner had the Report of the Royal Commission appeared, than all organisations and individuals interested in the matter prepared to press for the adoption of its most important recommendation. The danger of disease brings with it the danger of panic legislation, if left too long, and knowing this, the Report with its sane and scientific investigations, its wise, moderate, and far-sighted measures for meeting a great and inevitable danger, was hailed with the deepest relief by men and women of good-will. Minor questions of difference, such as employing for paupers a compulsion deprecated in the case of prisoners, the alteration of marriage laws or laws of libel, of the education of the young in matters of sex,—all were, for the moment, left aside in spite of their admitted importance; and the energy of reformers prepared to expend itself on compelling the government to take up the great constructive work which stands in the forefront of the Commissioners' Report.

But for once the government needed no pressing. A deputation which waited on Mr. Walter Long (President of the Local Government Board), April 14, 1916, was assured that the reform that its members came to urge was

[38] Cd. 8189, p. 47.

[39] Paupers alone are excepted, it being recommended that they should be compulsorily detained for treatment if desirable. Canon Horsley wished the same recommendation to apply to prisoners (Cd. 8189, p. 68–69) and Sir Kenelm Digby objects to it altogether (p. 67). It is difficult to see why the Commissioners make this exception to their general rule, as the reason they offer would apply equally to prisoners, and (so far as the support of the State is concerned) to soldiers and sailors.

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accepted and would be immediately put in hand. On July 13, a circular from the offices of the L. G. B. was addressed to county and borough councils, calling upon them to frame schemes for the execution of the work, and constituting them the local authority for the purpose.[40] Provision is to be made in such schemes for the diagnosis and treatment of venereal diseases at the public cost, and free of charge to the patient, and also (at the option of the local authority), for lectures and publications to educate the public. The order for the provision of free treatment is not optional but obligatory, the L. G. B. holding that "in view of the present war a case of emergency had arisen" under the terms of the Public Health Act.

The circular has been acted upon with promptitude. Schemes have during the summer months been framed by medical officers of health for submission to their authorities. In some cases conferences have been summoned by the municipal authorities, and these have received speakers from the National Council for Combating Venereal Diseases. Educational lectures to men and women have been organized by the same Council, in order to rouse and enlighten that public opinion without which the best schemes cannot be made effective. In the coming months much more work on the same lines will be done, and the schemes framed in accordance with the L. G. B. circular will be adopted.

In carrying out reforms of so fundamental a character, it is easy to prophesy difficulties. The co-operation of the medical profession is, for example, of the first importance, and already the L. G. B. circular has been criticised by the medical press[41] on several grounds. The matter really

[40] In accordance with the suggestion of the Report, Cd. 8189, p. 46. It is exceedingly unfortunate that, in consequence, women can take so little share in the framing of such schemes. Very few are on county or city councils, and none on the L. G. B., which must sanction the schemes before adoption. It is greatly to be hoped that the "Local Committees" will have a considerable number of women members; but in a matter which so deeply concerns them it is to be deplored that they are not represented adequately on the councils, or at all at headquarters.

[41] *British Medical Journal*, July 22, 1916.

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resolves itself into one of the adequate representation of the profession on the local authorities. The "local committees" rather vaguely referred to in the L. G. B. circular have in fact been decided to be the health or sanitary committees, and on these the medical profession is only represented by the Medical Officer of Health. On representations being made to the L. G. B., a second circular has been issued, recommending more direct and adequate representation, and this will probably be secured by adding a representative of the general practitioners, and another of the panel doctors, to the local committee.

The attitude of the hospitals is no less important, and here another difficulty arises. The old and barbarous idea that persons suffering from "disgraceful diseases" should be punished rather than relieved, is enshrined in the by-laws of some of our great hospitals, as well as in the hearts of their subscribers. Though in many cases these rules have been allowed to fall into abeyance, in others they are still strictly observed, and fear of the wrath of the subscribers hampers the action of the governors, perhaps unduly. The change in public opinion, however, on this point is so great that it cannot fail of its effect upon the policy of the great hospitals. It can be measured to some extent by the action of the great insurance societies.

These bodies have a vitally important part to play in the carrying out of the Commissioners' Report. The vast majority of the population in this, as in other countries, is of the working class, and to these even free treatment will be valueless, if it is accompanied by long periods during which no wages can be earned. In many cases, of course, cessation of work (and therefore of wages) will be necessary, and the difficulty can only be met by the sick benefits of insurance societies. But again, diseases regarded as disgraceful, and due to the moral delinquency of the sufferer, have been ruled out, and victims of venereal disease have been deprived of sick pay.

The difficulty is a perfectly real one, for societies founded on the assumption that no benefit will be given for certain

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forms of illness must necessarily reconsider their whole financial position if these diseases are now to be put on the same footing as others. The problem is not a moral but a financial one—or rather it is both, and all the more delicate for that. Here again, however, beneficent revolution has been at work. Not only has humanity prevailed over a harsh and cruel Pharisaism, but medical science has taught us to weigh the present against the future loss. Roughly speaking, the insurance societies have always—unknowingly—paid for the secondary effects of venereal disease. They are asked now to pay its first cost. Heavy as that cost may be, it is a trifle as compared with the other. The almost unbelievable ramifications of the disease, which science has only recently revealed (or begun to reveal) to us, makes it clear that financially as well as morally, a huge saving will be effected by the whole community, and of course, by the community's agents, the insurance societies, if disease is attacked in its first stages. Already the industrial approved societies have seen and acted upon this fact. On June 30 (1916), the following resolution was moved and carried:

"That the Conference of Industrial Assurance Approved Societies, having regard to the view expressed in the Report of the Royal Commission on Venereal Diseases, and by the National Council for Combating Venereal Diseases, to the effect that the enforcement of the 'Misconduct Rule' in the case of such diseases tends to discourage those suffering from them from seeking early and adequate medical treatment, is of opinion that it is contrary to the true interest of Approved Societies to withhold benefit in the case of those suffering from Venereal Diseases, and recommends to the Societies constituting this Conference that they should take the necessary measure to enable them to pay benefit in such cases."

The importance of this statesmanlike change of policy will be realised when it is remembered that these societies have a membership of nearly 6,000,000, and comprise about 40 per cent of all persons coming within the Insurance Act.

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It is hoped, also, and on good grounds, that the other great associations for insurance, the friendly societies, will follow the same course.[42] The way will then be clear for the use of free diagnosis and treatment by all workers, and it is certain that the burden of cost to the insurance societies will in the long run be unmeasurably lightened by their far-sighted and courageous policy.

If the community accepts, as the insurance societies have accepted, the great principles laid down in the Report of the Royal Commission, an epoch will be marked in history. Instead of the cruel futilities of panic legislation (for which already an ominous demand is heard in some quarters), we shall for once have foreseen a danger before it was actually upon us; considered it in the light of past failure and present suffering; and decided to act before terror has made us lose our heads. It is impossible to overestimate the value of such action. For though the crude and brutal methods of mere repression have been tried and conspicuously failed in the past, it needs hardly a generation to pass before the failure is forgotten, and the brutality of fear creates a demand for their repetition. In spite of the futility of the attempt to "regulate" vice, there are still those who know nothing of its failure, and are heedless of its cruelty and injustice. To these it is useless merely to oppose regulation on the grounds that it is futile and immoral. They are ignorant of the failure. They urge that "something must be done," and the justice of this plea will conceal from the ignorant the idiocy of choosing "something" which has already been tried and failed. The supporters of a saner view must also have their "something" to propose; if possible, must make it understandable and popular. And here the Commissioners have surely succeeded beyond their own most sanguine

[42] Since the above was written, the National Conference of Friendly Societies has passed a resolution in favour of amending the National Insurance Act by adding to Section 14: "no rule shall deprive an insured person of sickness or disablement benefit in respect of any period of incapacity due to the venereal disease."

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hopes. They have laid down principles both scientific and humane. They have an admirable educational instrument to hand in the National Council for Combating Venereal Diseases. But they have also a public ready to listen.[43] The discovery that "disgraceful" diseases fall as heavily on the innocent as the guilty has prepared the way for a humaner attitude of mind towards even those, who in some sense, of which after all we are rarely competent to judge, are "guilty" of their own suffering. That this is more humane than an attitude of mere condemnation cannot be disputed. For it is difficult to believe that fear has ever been an effective weapon with which to combat vice. The idea that some deterrent of this kind is valuable and necessary is based on a delusion, and those who deny the help of the hospitals to such sufferers, or impose upon it conditions purposely made penal, must surely now admit that their policy, however excellent may have been its motives, has neither lessened venereal disease, nor protected the innocent from its ravages. On the contrary, there cannot be a doubt that it has exposed them to increased danger by keeping away from relief those who spread the contagion. Let us now take our courage in our hands, and like the great Healer whom western civilization still professes to follow, relieve suffering wherever we find it, regardless whether, in our hasty judgment, the sufferer has "deserved" his malady. It is a policy at once scientific, merciful and Christian.

A. MAUDE ROYDEN.

LONDON, ENGLAND.

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[43]Cd. 7475, par. 6551.

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AN EIGHTEENTH CENTURY MORALIST.

REV. ALFRED FAWKES.

THE two greatest names in English apologetic are Butler and Paley: the *Analogy* of the first, and the *Evidences* of the second, have formed the tradition, the one of the Oxford, the other of the Cambridge, theological school. The ground, however, has shifted: while effective as an answer to eighteenth-century Deism, neither work is very convincing to-day. But neither Butler nor Paley should be judged by his most widely read treatise. The *Fifteen Sermons upon Human Nature* (1729) are as cogent on their own ground as they were when they were written; the *Principles of Moral and Political Philosophy* (1785) retain their place in, and need not fear comparison with, the ethical thought of later time. Paley, in particular, represents the English mind, if not at its highest, certainly at its best. The outlook of the professional advocate, whether of religion or morals, is foreign to him. Of the training on which this outlook follows it has been said—"Une formation spéciale et défectueuse crée nécessairement une mentalité particulière et inférieure."[1] He has no trace of this caste bias; his is the open, or lay, mind.

His characteristic quality was good sense. He did not affect indifference to his career: in 1772 he refused to sign a petition in favour of the modification of the subscription to the XXXIX Articles (then required as a condition of matriculation), on the plea that "he was too poor to keep a conscience." The remark is sufficient proof that his sympathies were an open secret: and there were limits beyond which his opportunism would not go. He chose as a divinity thesis for his B.A. degree the non-eternity of future punishments—later, in his Moral and Political Philosophy, he suggests that there may be "little to choose

[1] *Autour d'un petit livre.* A. Loisy. XXXV.

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between the condition of the worst man who is received into heaven, and that of the best who is excluded"; and in 1785, when he was warned that the parable of the pigeons, in that famous book, would hinder his being made a Bishop, his answer was, "Well, Bishop or no Bishop, let it stand." The passage which is said to have given lasting offence to George III is as follows:

"If you should see a flock of pigeons in a field of corn; and if (instead of each picking where and what it liked, taking just as much as it wanted, and no more) you should see ninety-nine of them gathering all they got into a heap, keeping this heap for one, and that the weakest, perhaps worst, pigeon of the flock; sitting round and looking on, all the winter, whilst this one was devouring, throwing about, and wasting it; and if a pigeon more hardy or hungry than the rest touched a grain of the hoard, all the others instantly flying upon it, and tearing it to pieces; if you should see this, you would see nothing more than what is every day practised and established among men. Among men you see the ninety-and-nine toiling and scraping together a heap of superfluities for one (and this one, too, oftentimes the feeblest and worst of the whole set, a child, a woman, a madman, or a fool); getting nothing for themselves all the while but a little of the coarsest of the provision, which their own industry produces; looking quietly on, while they see the fruits of all their labour spent or spoiled; and, if one of the number take or touch a particle of the hoard, the others joining against him, and hanging him for the theft."

Paley justifies the institution of property, "which, in the view of it above given, is so paradoxical and unnatural," on purely utilitarian grounds, and denies it any mystical or metaphysical sanction: the foundation of the right to property is "the Law of the Land." This was very plain speaking. It could only have come from a man open to the best influences of his generation; and it is greatly to Paley's credit that he should have refused to let the liberty of the thinker be stifled by the interest or professional instinct of the priest.

Such disinterestedness was exceptional. The frank place-hunting of the clergy of the time was, perhaps, not more offensive than the veiled self-seeking of a later period; but it was very much more transparent. When Paley's patron, Edmund Law, Bishop of Carlisle, was dying, his son, afterwards Lord Ellenborough, was engaged in assize

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business at the cathedral city. The bishop's death was hourly expected, and a horse was kept saddled at Rose Castle so that a messenger might be dispatched immediately to inform his son of the event. When this messenger arrived in Carlisle, he found that not all his haste had prevented the news getting there before him; and an eager applicant had already set off for London to secure the minister's influence in the succession to the see. Readers of Anthony Trollope will recall the chapter in Barchester Towers in which the conflicting feelings with which Archdeacon Grantly watched his father's life slowly ebbing are described.

The *Principles of Moral and Political Philosophy*, of which a German translation appeared in 1788, owes much to Abraham Tucker (1705–1774), in whose *Light of Nature Pursued* Paley found "more original thinking and observation than in any other writer—not to say in all others put together." The prolixity of this work deters the modern reader; Mackintosh describes its author as "a metaphysical Montaigne." The epithet must be taken in a loose sense; and not even so could it be applied to Paley, who is thoroughly English, in being thoroughly unmetaphysical. He has little care for system: his argument, though based as a whole upon utility, stands side by side with reasonings drawn from an older and a rival school. Thus, while losing something of the demonstration of the later Utilitarianism, he avoids its dogmatic paradox: he would rather be inconsistent than absurd. The instinctive judgment of the "plain honest man," to which Butler, with the intuitional school, appeals, seems to him an insufficient basis for morality: he distrusts theory, and will not readily leave the solid ground of facts. What are called the moral instincts can be accounted for in other and more obvious ways than intuition; here he lays stress on the process of association. These instincts exhibit no uniformity; they "bend to circumstances"; "upon the whole, it appears to me, either that there exist no such instincts, or, that they are not to be distinguished from prejudices and habits—on which account

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they cannot be depended upon in moral reasoning." And "the laws of custom are very apt to be mistaken for the order of Nature. For which reason I suspect that a system of morality built upon instincts will only find out reasons and excuses for opinions and practices already established,—will seldom correct or reform either." This suspicion suggests itself in connection with certain bypaths of modern thinking, which may be described as reasons for believing without evidence—*i.e.*, for irrational belief. Tulloch's criticism of *The Grammar of Assent* is that it is rather "an ingenious elaboration of the fact" that men have certain beliefs than a justification either of these beliefs or of their acceptance. "Assent divorced from reason can be nothing but credulity; and Dr. Newman's Assent is nothing else." (*Edinburgh Review*, October 1870.)

Matière et Mémoire is a more scientific work than the *Grammar of Assent*. But the present vogue of the Bergsonian philosophy would have been displeasing to the eighteenth century mind.

In the chapter on the Divine Benevolence we find the well-known reflection—"I seem to see the benevolence of the Deity more clearly in the pleasures of very young children, than in anything in the world," and he concludes that "God wills and wishes the happiness of his creatures," so that "the method of coming at the will of God concerning any action by the light of nature is to inquire into the tendency of that action to promote or diminish the general happiness." Nor does he shrink from the consequences of this position. The term happiness denotes "a certain state of the nervous system in that part of the human frame in which we feel joy and grief, passion and affection"; and "pleasures differ in nothing but in continuance and intensity." The frankness of these admissions will dispose the reader to accept the writer's warning against the danger of misconception. "There is scarcely any delusion by which men are greater sufferers in their happiness than by their expecting too much from those intense delights which vulgarly usurp the name of pleasure. The very

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expectation spoils them." Neither, on the other hand, does happiness consist in the apathy, or ataraxy, of the old philosophers:

"for which reason the expectations of those who retire from their shops and counting-houses to enjoy the remainder of their days in leisure and tranquillity are seldom answered by the effect; much less of such as in a fit of chagrin shut themselves up in cloisters or hermitages, or quit the world and their station in it for solitude and repose."

Again, in this connection he speaks of the "intolerable vacuity of mind" which carries the idle rich to gambling and racing—pursuits in which the possibility of success bears no proportion to the certainty of solicitude; and of "the peevishness of monks and such as lead a monastic life." And over-refinement of reasoning misleads. Appearances may no doubt deceive; but "though the apparent happiness of mankind be not always the measure of their real happiness, it is the best measure we have." The conclusion being—

"First, that happiness is pretty equally divided amongst the different orders of civil society.

"Secondly, that vice has no advantage over virtue, even with respect to this world's happiness." With the Aristotelian reflection that "man is a bundle of habits," and the reminder that virtue is positive—"a state of mere unprofitableness will not go unpunished"—the first division of the book ends.

It is the utility of any moral rule, and this alone, which is the ground of its obligation. "Actions are to be estimated by their tendency. Whatever is expedient is right." The consideration of *general* consequences—to which Paley gives prominence, and which is conclusive against the refinements of casuistry—hinders this maxim from degenerating into license in the case of individuals and Machiavellianism in that of communities. What are called *casus conscientiæ* may, with few exceptions, be solved by the distinction between particular and general, immediate and remote results. The particular consequence *e.g.* of coining is the loss of a guinea to the person

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who receives the counterfeit coin: the general consequence is the disuse of money as a means of exchange. Hence the severity with which it is punished; and what seems to some the harshness of the English Law towards offences against property: in an industrial community such offences touch the springs of life. On social ethics he is in many respects in advance of his generation. A man *e.g.* who misuses his influence as a voter, or a patron, commits a graver crime than many a violation of what moralists call a "perfect" right. Homely duties, such as the avoidance of waste, are put on a religious foundation: the claims of the brute creation are placed high—the slaughter of animals for food can scarcely, he thinks, be justified by natural law. The freedom of the seas—the *mare liberum*—is proclaimed. The navigation of home waters may be restricted, but,

"when Spain asserts her right to the Pacific Ocean, and Portugal to the Indian seas, or when any nation extends its pretensions much beyond the limits of its own territories, they erect a claim which interferes with the benevolent designs of Providence, and which no human authority can justify."

A lie is a breach of promise, an engagement to veracity being involved in the notion of discourse.

"*Pious* frauds, as they are improperly enough called, pretended inspirations, forged books, counterfeit miracles . . . may sometimes, though seldom, have been set up and encouraged with a design to do good. But the good they aim at requires that the belief of them should be perpetual—which is hardly possible; and the detection of the fraud is sure to disparage the credit of all pretensions of the same nature. Christianity has suffered more injury from this cause than from all other causes put together."

Nor does the tendencious historian escape. There may be "lies of omission." A writer of English history—the reference to Hume is obvious—

"who, in his account of the reign of Charles the First, should wilfully suppress any evidence of that prince's despotic measures and designs, might be said to lie: for, by entitling his book *A History of England*, he engages to relate the whole truth of that history, or, at least, all that he knows of it."

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Of oaths, "in no country in the world are their forms worse contrived either to convey the meaning, or to impress the obligation, of an oath, than in our own." As becomes a Whig of '88, he repudiates non-resistance. The Oath of Allegiance "permits resistance to the king, when his ill-behaviour or imbecility is such as to make resistance beneficial to the community." That this is the *animus imponentis* is clear from the fact that this oath comes to us from the Convention Parliament of 1688. It does not require obedience to such commands of the king as are unauthorized by law; nor does it apply to a king who is not so *de facto*. The relation of ruled to ruler is reciprocal, and lapses when the ruler no longer rules. At the same time the Social Contract is rejected, as "unfounded in its principle and dangerous in its application." The only ground of the subject's obligation is "the will of God, as collected from Expediency."

His account of the Ethics of Subscription will not satisfy those who attempt to exploit the formularies of the English Church as a barrier against the application of critical and scientific methods to theology. With reference to the XXXIX Articles, under which (Article VIII) the Three Creeds fall, "the legislature of the 13th Eliz. (1571) is the imposer"; and the intention was "to exclude from offices in the Church,

1. All abbettors of Popery.

2. Anabaptists; who were at that time a powerful party on the Continent.

3. The Puritans; who were hostile to an episcopal constitution: and in general the members of such leading sects or foreign establishments as threatened to overthrow our own."

It is only by a palpable anachronism that the Articles can be held to apply to later controversies: persons who do not fall under one of these three categories are entitled to subscribe. To question this right is "to apply a rule of law to a purpose for which it was not intended. Under which description," he adds—with a quaint reminiscence

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of obsolete but at the time still unrepealed legislation—"may be ranked an officious revival of the laws against Popish priests and dissenting teachers."

The authority of a Church Establishment is founded on its utility: "other motives and ends have served only to debase the institution and to introduce into it numerous corruptions and abuses." And "it cannot be proved that any form of Church Government was laid down in the Christian Scriptures with a view of fixing a constitution for succeeding ages." Paley would have held, with Selden, that "they are equally mad who say bishops are so *jure divino* that they must be continued; and they who say they are so anti-christian that they must be put away. All is as the State likes." He is a church reformer: "the too great length of church services is unfavourable to piety"; and he would have "the Psalms and Lessons either left to the choice of the minister, or better accommodated to the capacity of the audience and the edification of modern life." The liturgy should also contain "as few controverted propositions as possible. . . . Why should every position which a Church maintains be woven with so much industry into the forms of public worship?" The reference seems to be to the Athanasian Creed.

He was also what would now be called a Liberal Churchman. The Reformers "exonerated Christianity of a weight which sunk it"; and

> "he who, by a diligent and faithful examination of the original records, dismisses from the system one article which contradicts the apprehension, the experience, or the reasoning of mankind, does more towards recommending the belief, and, with the belief, the influence of Christianity, to the understanding and consciences of serious inquirers, and through them to universal reception and authority, than can be effected by a thousand contenders for creeds and ordinances of human establishment."

This absence of professional or pietistic bias gives weight to his famous criticism of Gibbon.

> "Who can refute a sneer? Who can compute the number, much less, one by one, scrutinize the justice, of those disparaging insinuations which crowd the pages of this elaborate history? What reader suspends his

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curiosity, or calls off his attention from the principal narrative, to examine references, to search into the foundation, or to weigh the reason, propriety, and force, of every transient sarcasm and sly allusion, by which the Christian testimony is depreciated and traduced; and by which, nevertheless, he may find his persuasion afterwards unsettled and perplexed?"

Slavery excites his indignation. The American Revolution, he believes will conduce, "and who knows but that it was designed?—to accelerate the fall of this abominable tyranny;" and his trust in the British Parliament is limited; it is open to question "whether a legislature which has so long lent its support to the support of an institution replete with human misery, is to be trusted with an Empire the most extensive ever attained in any age or generation of the world."

The Duel is condemned; nor will he distinguish the guilt of the challenged from that of the challenger. With regard to Divorce, while confining it to "the single case of adultery in the wife" he allows remarriage. His attitude towards the question as a whole, while leaning to rigorism, is eminently unmystical, the reason for the permanence of marriage is not the sacramental nature of the contract, but the public good. But the good of the individual must give way to that of the community.

"If a married pair, in actual and irreconcilable discord, complain that their happiness would be better consulted by permitting them to determine a connection which is become odious to both, it may be told them that the same permission, as a general rule, would produce libertinism, dissension and misery amongst thousands who are now virtuous and quiet and happy in their condition: and it ought to satisfy them to reflect that, when their happiness is sacrificed to the operation of an unrelenting rule, it is sacrificed to the happiness of the community."

He is an advocate of a House of Lords; but from no very flattering view of the capacity of hereditary legislators. "We do not suppose the nobility to be more unprejudiced than others; we only suppose that their prejudices will be different from, and may occasionally counteract, those of others." A proposition to which the most stalwart Radical may assent. On the Criminal Law he is behind Beccaria and the continental jurists of his school. He justifies

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"the multiplicity of capital offences" under the then existing English Law on the ground that these laws were never meant to be carried into indiscriminate execution. "By this expedient, few actually suffer death, whilst the dread and danger of it hang over the crimes of many"; a fact which to a modern jurist supplies an additional argument against the odious system which he defends. On tariffs and commercial legislation he is sound; he was a Free Trader before Free Trade.

"As in many subjects, so especially in those which relate to commerce, to plenty, to riches, and to the number of people, more is wont to be expected from laws than laws can do. . . . The natural basis of trade is rivalship of quality and price; or, which is the same thing, of skill and industry. Every attempt to *force* trade by operation of law, that is, by compelling persons to buy goods at one market which they can obtain cheaper and better from another, is sure to be either eluded by the quick-sightedness and incessant activity of private interest or to be frustrated by retaliation. One half of the commercial laws of many States are calculated merely to counteract the restrictions which have been imposed by other States. Perhaps the only way in which the interposition of law is salutary in trade is in the prevention of frauds."

More, perhaps, than any one writer—with the possible exception of Horace—Paley has left his mark on our English public school and university training; and so on the national mind. Oxford has been the home of ideas and the starting point of movements. Both are partial and passing. Cambridge has been the university of common sense—which, if it appears to enthusiasts dull, and if at times it degenerates into common nonsense, "never faileth": it has worn, it wears, and it will continue to wear, well. The Age of System is over: what to a generation brought up under T. H. Green, or even Henry Sidgwick, seemed Paley's defects, are now counted to him for righteousness—his distaste for the schematized and formal, and for abstractions; his persistent appeal to utility and expediency; his inclination to rule of thumb. Pattison notices the curious, and purely English, connection between the Catholic revival and an *a priori* philosophy. (*Memoirs*, p. 167.) And the anomaly of the latter having been "im-

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ported into Oxford by a sound Liberal, the late Professor Green, can only be accounted for," he adds unkindly, "by a certain puzzle-headedness on the part of the Professor, who was removed from the scene before he had time to see how eagerly the Tories began to carry off his honey to their hive." Both are now on the wane. The thinking of the twentieth century is falling back upon that of the eighteenth. Sense, reinforced by more exact knowledge, is taking the place of the cloudy and loose-textured notions of the intermediate age.

ALFRED FAWKES.

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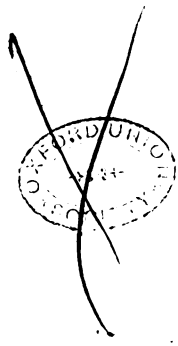

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THE FULFILMENT OF THE LAW.

D. J. BOLTON.

IT IS curious to find, in spite of all that has been written and thought on the subject, how far we still appear to be from realising the true nature of the inevitability of war.

We have been ready enough to blame God in the matter —to believe that war is bound to arise because of some defect in human nature (and especially foreign human nature), some flaw for which we are not responsible but from which we must always suffer. Or we are prepared to believe that this particular war "had to come" as though it were the arbitrary will of some relentless deity—careless of mankind. What we are not ready to do is to blame ourselves—to see the war as the natural consequence of disobedience to law, as the inevitable result of a consistent policy on the part of each one of us.

Just as in the *Titanic* disaster we have praised (and rightly) the heroism of the victims, and have been ready enough to curse the fate that decreed so monstrous an accident, but have failed to realise that if ships make a practice of establishing speed records when icebergs are known to be present, the laws of probability will ensure that sooner or later an accident will occur.

Chance may settle the time and place, and determine which particular rash boat and rudderless iceberg shall come into collision. In our present case, had an assassin's pistol misfired we might still be at peace. Conversely the history of our recent war scares shows how often and with how many different nations have we nearly been at war. But though chance provides the scenery and settles the details it is we who supply the motive of the piece, and neither an overcrowded world, a malignant fate, nor a malicious enemy has brought this war upon us. It is the natural and inevitable result of the policy of us all, deliber-

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ate or unconscious, and the same set of actions will give the same results just as often as we care to repeat the experiment. There is as much room on the earth for Germany and England as there was on the ocean for the iceberg and the *Titanic:* it was *the paths they pursued* that led to the collision.

Naturally in a world so small and with man's energy and capacity so vast and so rapidly extending, there will always be abundant *occasion* for quarrel, and at times some nation pursues so rudderless a course that an accident seems wellnigh invited. But, though we have still much to learn and many delicate instruments to perfect, already we know fairly well how collisions may be avoided, and similarly the science of human conduct is enabling us to see that whilst there will always be occasions for war there will never be *reasons* because the real interests of all peoples are the same.

The laws of human nature are neither so obvious nor perhaps individually so invariable as the laws of physics but they are equally certain, waiting only for us to discover and profit by them. At present mankind is simply hitting its head against the stone wall of these laws, and it will continue to hurt itself until it learns and puts itself in line, instead of disobeying or neglecting them. Philosophers and prophets of all religions and schools of thought have testified to the things which belong unto man's peace and well-being, but mankind has generally refused to learn in any but the hard school of experience. Thus the early Hebrew laws were full of minute directions as to cleanliness in matters of food, etc., they commanded one day's rest in seven, and they also inculcated honesty and fair dealing. Let us see how these various principles have come to be obeyed.

The law of cleanliness was certainly not learnt from the sacred books, in fact religion here has seemed to act more as a soporific. For countless ages men have suffered from plagues and scourges innumerable, and in agony and contrition have lifted up hands of prayer to the various gods

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and demons who inspired their hopes and fears. But it was not until the common-places of cleanliness and hygiene came to be practised that relief was granted. The plagues came to punish the people for their sins, truly enough—but the sin was simply ignorance of physical laws and the punishment was automatic and inevitable.

The law of Sunday observance, expressed by Moses as a divine command, seems at first sight a very unnatural and self-denying ordinance. Small likelihood this of appealing to hard-headed slave owners and business kings that their men should work only six days a week instead of seven. Yet, ridiculous though it may appear, the law is true. Even on a purely material basis it *works*, and we practise it chiefly because we have discovered that more work and better can be got out of a man (because he *is* a man and not a mere machine) in six days than in seven, just as more work is done under liberty than under slavery.

With the principle of honesty and fair dealing the case is very similar. Our remote ancestors would never think of bartering their goods for those of another man if they could get them by knocking him on the head and running off with them. Consequently these people carried on a precarious existence, barely able to keep the race alive. Why do we now conduct business by quotations, cheques, and bills of exchange—in fact on a basis of honesty and trust? Not because there are a few policemen about, but because there is a general agreement to deal honestly. We have advanced simply in the knowledge that honesty actually is the best policy. It is a law of human nature that one gets more out of a man in the long run by treating him fairly than by doing him down. We might have learnt this from Moses or Plato: actually we have chiefly realised it through hard experience—by trying the opposite and finding it not to work.

Now come to the case in point. The fundamental law that Christ enunciated, as true and necessary for man's well-being as the laws of physics and hygiene, is that there is an underlying kinship between man and man, and that

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trust and co-operation between men lead to life more abundant just as their opposites lead to death. He put it that we *ought* to love one another. Another way of stating it is that we *must* or we shall be punished for it, just as certainly and just as automatically as if we disobey the law of gravity. This principle may appear silly or unmanly, or even unfair; the point is it is *true*. To forgive one's enemies may seem an unreasonable thing to do, but no one can call it unpractical—it works, whilst its opposite does not.

The first attempts at justice were based on the idea of absolute equity—nothing could seem fairer than an eye for an eye and a tooth for a tooth. Yet the whole history of attempts to carry this out—private vengeance, family feuds and vendettas, down to our present-day reprisals, with their absurd competition in horrors,—shows that this spirit never has and never will cure the trouble, but that it simply creates a growing heritage of hatred and retaliation until no one knows or cares who was the first offender.

This law of love is not an abstract moral principle requiring force or co-operation on our part to put it into action. It always has and always will operate (whilst human nature remains what it is), and it is for us as a community to say whether we will put ourselves in line with it and live or disobey it and die. Newton did not invent the law of gravity or assist its action in any way—he merely pointed it out to us. So Christ in expounding to us this most vital of God's laws—the primal sympathy, which having been must ever be—was the greatest of that immense cloud of witnesses—poets, philosophers, and scientists—whose testimony we neglect at our peril. The ethics of the New Testament is not true because Christ said it—Christ said it because it is true.

Moreover all of these principles judge us by our actions rather than our motives, and whilst they apply to man as an individual they apply still more to man collectively. Individually there may be considerable injustice but socially the justice is absolute—if the community disobeys (whether

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through ignorance, vice, or mere apathy) the community will suffer, innocent with guilty. Indeed it may be the ardent slum reformer who is the first to die of scarlet fever, or Newton himself who falls over a precipice. And it is equally certain that excellence of motive does nothing whatever to diminish the harmfulness of shrapnel.

For years we and all other European nations have been disobeying this first of laws, and now we are suffering the consequences. We did not openly quarrel with our neighbours; we were quite willing to trade with them, but at the back of our minds there was still hatred, suspicion, or at least apathy. There is no need to search through White Papers to find the cause of the trouble: our fleet is the measure of our distrust of Germany, her army that of her distrust of her neighbours, and it is these feelings which have given us the war.

Trust and co-operation as a basis for human conduct probably originated in the family: then it was extended to the clan or tribe, sworn to peace among its members and enmity to all other clans. From these societies have been built up our present states in which it would be an unthinkable anomaly for (say) Liverpool and Manchester, whilst trading and making money out of each other, to buy bigger and bigger guns to train on each other's houses and stock exchanges. How long will it be before we carry the same logical *recognition* of interdependence and mutual profitableness into our relations with foreign powers? We shall never have lasting peace until we do.

An excellent example of false psychology in this matter is Admiral Fisher's dictum, quoted in "The Great Illusion":

> The supremacy of the British Navy is the best security for the peace of the World. . . . If you rub it in, both at home and abroad, that you are ready for instant war, with every unit of your strength in the first line and waiting to be first in, and hit your enemy in the belly and kick him when he is down, and boil your prisoners in oil (if you take any), and torture his women and children, then people will keep clear of you.

Now this saying is not merely immoral, it is *wrong*—totally untrue to the facts of human nature. The fallacy of peace

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through over-awing is based on the assumption that the other man is fundamentally a coward, but when it comes to the point you find that he hardly ever *is* a coward. In fact he turns out to be a man very much like yourself—rather too lazy to think very hard, ready to be perfectly friendly if you start by trusting him and treating him fairly, but developing an astonishing degree of pugnacity the moment you talk about "hitting him in the belly." What is not so easy to see is that arms are in all cases a menace and not a protection and that the weapon a man gets to protect himself constitutes the only reason why the other man has to arm *himself* and *vice versa*. But no pacifism or internationalism, no vague inter-state sympathy is of the slightest use whilst it tolerates in any form military preparedness—that open flouting and contradiction of all good feeling. German social democracy has shown very clearly that a society which supports the army in time of peace cannot hope to stand up against the fervid emotional appeal of a sudden declaration of war, for whatever object. They are bound to follow the army they have permitted to exist.

Practically all modern wars are wars of defence, directly or indirectly. In this case the immediate cause of Germany setting in motion her military machine was the fact that Russia was mobilising on the German frontier. For years the German people had been taught to fear the Russian menace, and they had developed a special plan of campaign to resist the very combination that now seemed about to attack them. This is what their army was for—is it surprising that they used it? And from their point of view have not events appeared most amply to justify them in believing that the existence of the country was at stake and that they took the only possible course to preserve it?

There is no need at this time to state that we did not fight to defend the neutrality of Belgium, that in fact this is the war we so narrowly escaped in the summer of 1911 (over Morocco) when we were legally in the wrong very much as Germany is now, and without her excuse of vital military necessity. But it is important for us not to be

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obsessed by the unquestionable atrocities on the part of German regulars in those first mad rushes, and by the deliberate thoroughness of the German mind (in war as in peace), into forgetting that the German soldier is primarily a human being, who has left home and friends to risk his life for *exactly* the same reasons as our men have; a being with the same fundamentally right instincts and the same lamentable lack of imagination and common sense. They are more militarised than we, simply because their army, unlike our fleet, requires a large slice of the nation to man it.

The common people of all countries know well enough that they cannot possibly gain one tenth of what they will lose in any war, however successful. The leaders may have imperialistic aims, and the profiters behind them are glad enough of war, but the people themselves will never support it unless they are filled with moral indignation, fear, or conviction of direst necessity; and while armaments exist it will always be possible for these feelings to be aroused.

If one is met by the remark: "I agree with your general principle—appeal always to the highest there is—but I believe the Germans to be altogether an inferior race of beings, amenable only to the law of the jungle"—one can only reply that as the German race cannot be wiped out like a race of tigers, nor converted into humans by being treated as tigers, you and the Germans who think similarly will have to go on battering and being battered until you discover that Christianity provides the *only* working basis whereby you can all inhabit the same globe.

Disarmament is not "Utopian," it is the only practical politics, and we shall have war just so long as we prepare for it and no longer; peace just so soon as we are ready to trust our fellow men and show our trust. We may learn this law from Christianity, but it is more likely that only through bitter experience will realisation come. We might learn through this war or it may take a thousand such. Indeed, so fast has our knowledge of matter and

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how to harness it (particularly for purposes of destruction) raced ahead of our knowledge of man and how he may be harnessed, that it is quite conceivable that the nations may almost wipe themselves out before they learn how to live peaceably together.

But history gives us better hope than this: even in the short portion of man's total existence represented by written records (say from the time of Cain up to the present day) we have succeeded in extending the area of mutual trust considerably beyond the limits of the family. In the course of man's physical evolution, he has developed from a predatory "solo" animal into a social being, more and more finding himself drawn into leagues and associations with his fellows. Many of the old unsocial virtues (by which alone at one time he kept himself alive) still persist, to form the "original sin" of the newer man, but gradually we are realising them for what they are, archaic survivals which do not fit into the present scheme of things, and gradually we are overcoming them. In some parts of the earth men carry revolvers for "self protection" and consequently these are among the least safe places in which to live. If you suggested to an inhabitant that his life might conceivably be more respected if he dropped his weapon, he would think it just as impossible as does a French gentleman to protect his "honour" other than by the duel. Yet history shows us that somehow or other, and in spite of many set-backs, we are developing a very considerable degree of mutual confidence, revolvers are dropping out of private life, vendettas and "clutching hand" gangs are being relegated to the cinema world, and we find it safer even not to arm our policemen!

A parallel which is particularly interesting because the results are so immediately discernible, is afforded by the proposed trade war which is to follow this present conflict (once "the war to *end* war"). To cherish hatred and revenge is immoral because it destroys—narrowing first the mind and spirit, and ultimately working itself out in death to both body and soul. Often the wages of sin do not

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seem to be paid very promptly, or to quite the right individual, but in the case of trade, the results are immediate. Trust and an absence of restrictions are its very life blood—restrict the flow and you at once feel the pinch, prices go up and scarcity results. It may be long before we realise how, spiritually, we are members one of another, but we shall very soon find out that revenge is not good business. Incidentally what a pitiful come-down it is from our first early enthusiasm. What supreme dishonour to those who have freely given their lives in the hope of a sweeter and better Europe, that for the private gain of a few merchants we should now seek to perpetuate the evil spirits which now prevail.

Probably the foregoing remarks will be met by the following comment: "It is all very well to theorise and to say what must be, but given things as they are—we having consistently followed the armament policy and the Germans now actually advancing upon us or our allies—what can we do but fight? Would you have us at this stage reverse all our policy and try unarmed Christianity upon the oncoming hordes?" Is it possible that non-resistance would work if suddenly adopted by one nation only—that it is possible even in the individual case to overcome evil not with more evil, bigger guns, but with good?

It is easy to see how much better off Belgium would be had she had no army or armed civilians, but let us imagine for a moment the Germans landing here and finding a nation united in its determination not to resist by force of arms. They would doubtless start by killing and burning in quite the approved way, but would they keep it up very long? Would not even their most militarised of leaders see the uselessness of fighting men who had the courage not to fight back, who even seemed ready to show them kindness, while the rank and file would soon be exchanging cigarettes with their "enemies" as they did across the trenches one Christmas. The victorious march on London would be a fiasco, leaving not the slightest thread of justification for the plea of military necessity.

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Imagine them then arrived in London, with their evil feelings towards us still rampant, determined to rob us and enslave us. But how could they possibly enslave a nation who did not even fear death at their hands? A mere handful of conscientious objectors have recently shown themselves un-coercible by the whole force of the British army backed by public opinion and with unlimited power to kill (or even to torture), and the Germans would discover that they could do nothing whatever but leave us alone to go on governing ourselves exactly as before. Slavery is primarily a mental condition, and our experience of labour strikes shows that with quite a moderate degree of combination and determination man's power to refuse his labour and his obedience is absolute.

But our money they might take—not our gold deposit, for that would upset their own trade—nor any of those securities (making up the immense majority of our total wealth) which depend for their value upon our labour, for that we could refuse. In fact they could take all of that portable or corruptible property (such as plate and trinkets) that "treasure upon earth" the storing up of which is condemned by Christianity and socialism alike.

In the last resort the pacifist (like the soldier) must be prepared to lose everything that *can* be taken from him—property or life—if he is to defend for the community those immaterial treasures, skill, faculties, beliefs, which are really his, beyond the reach of moth, rust or thief. It is when man is not prepared to risk his life for these things but sets out to save his life (by force of arms) that he himself squanders these priceless possessions, and loses his own life also.

Without going into further details it at least seems possible that even in the most extreme case Christianity would defend us with only a fraction of our present loss, in men and money, in addition to ending war once and for all. But let us now leave hypotheses and review briefly what actually has happened as the result of our non-Christian policy. We aimed at destroying Prussian mili-

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tarism, at preserving the liberties of Europe and finally at protecting ourselves and our allies. What has been our success so far?

Before the war, in all countries, men were calling for release from grievous military burdens; in France dissatisfaction was acute, in England we were more and more grudging the ever increasing navy bill whilst our little army was openly treated as a relic of the past. In Germany thousands had emigrated for no other reason and many more were loud in their criticism—but undoubtedly the majority believed too much in physical force, and so we set out to remove that belief, by means of more force!

The result in the first place is that we have completely proved the German militarist's case. All that her worst jingoes have urged we have shown to be necessary. The bogey her people have been frightened with, that encircling union of enemy powers, has actually come into being, and consequently her army has been enormously strengthened in popular estimation. The people point to it as having saved their national existence, and even were it hopelessly beaten and foreigners in Berlin, they would still say "we were right to believe in force, in our army, but—we ought to have had a bigger army and more guns."

Meanwhile in preparing the homeopathic remedy for Germany we ourselves have become infected: France is remembering that she was once a great military nation, whilst in England not only have we raised a huge army but everyone in the country, from the youngest boy scout to the oldest bishop can think of nothing but manning the trenches and feeding the guns. Perhaps the most disquieting sign of all, because in no sense a temporary measure, is the increase of armaments already put in hand by several of the neutral states.

With militarism rampant it is not surprising to find the liberties of Europe disappearing one by one. The defence of the realm is more important than the defence of freedom, munitions and not trade unions are the working man's

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business, and of course we are getting too poor to feed school children or keep museums open. Worst of all is the awful spirit which is well-nigh universal; one and all we seem to be losing every feeling of pity and respect. Our only wish is to smash, to destroy, though it means destroying all that is brave and noble in our opponents and ourselves. Surely war is the very infection of hatred.

But we are told, though all the spiritual aims of the war are unfulfilled, we have at least the physical benefits. Though our militarism may not convert the Germans or cure a suffering world of its trouble, it does at least give us temporary protection. But in what way exactly is it protecting us when we are sending out the cream of the country to be shot, spending our wealth and mortgaging our future to a colossal extent, and deflecting the whole course of our thought and energy from productive to destructive channels? Neither our army nor Germany's have done the least that was claimed for them, for both nations are bleeding to death on the battlefields of Flanders.

The present state of things shows the absolute and complete bankruptcy of every single alternative to the Christian method. For years we had feverish preparations, the opposing piles of armaments growing higher and higher, making a breakdown daily more probable and its results more disastrous. Then crisis after crisis and finally the inevitable smash, drawing in one after another of the European nations, whilst the remaining neutrals shiver on the brink, never knowing when it may be their turn.

If one thinks of it individually, of a friend who goes out and gets killed, in place of a useful life he leaves a host of vain regrets and thoughts of revenge; or if he shoots instead of being shot the effect is the same but takes place in Germany instead of England. Multiply this by a million or two until finally a peace is made that humiliates some nations and fills others with vaingloryings but all with the determination to start building and training again. Where is it leading us to? What possible result can there be from all this hatred and war but more hatred

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and preparation for more war? Willy-nilly we shall *have* to try Christianity—there is nothing else for it!

For the pacifist who realises these facts the duty is not an easy one; he cannot fight, but it is less easy to say what he can do. He is like a Londoner in the time of the great fire, able to do little in the way of putting it out, yet hesitating to pose as a lecturer on the wickedness of narrow streets and wooden houses. If the fire comes his way he must bear the penalty with the rest, but at least he can avoid himself adding to the flames.

The disciple of this newer Christianity—reached, that is, through no wholesale acceptance of Gospel teaching—will need in a supreme degree faith, courage, and intellect. Faith in humanity, in man, however debased, as holding some spark of the Divine; courage to appeal to this at whatever personal cost; and above all intellect and imagination to piece together the myriad facts of life and experience into a constructive and intelligible belief, so strong that no gusts of passion or blind emotion will have power to sweep it away.

And if no immediate action seems possible, we can at least see that we do nothing to hinder the change of spirit which has got to come. Let us remember that when we subscribe to a loan "to help crush the Germans," when we urge our men to "pay them out" for Ypres, whenever we idly repeat the slogan "In time of peace prepare for war," we are making ourselves responsible for the war, we are doing our bit to crucify our fellow men.

D. J. Bolton.

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WAR AND THE CHRISTIAN ETHIC.

REV. P. GAVAN DUFFY, S.D.C.

THE tendency of civilization, in its development, to approximate, gradually but surely, more closely to the Christian ethic, promising ultimately to become one with it, especially in what relates to measures of violence among nations and men, is becoming more and more obvious to thoughtful minds. And this, in spite of what seems contradiction in the terrible tragedy of the present war; for, after all, that is only giving sharp and telling emphasis to the fact stated, which in turn corresponds with the highest hopes of the best in humanity. As a consequence, it is not surprising that, in the discussion of the great conflict in Europe—discussed from almost every possible angle, as it has been—no point of view surpasses in interest that which seeks to determine its relation to the ethic of Christ. Already there has been a decided awakening of the religious conscience, even among vast numbers of people who hitherto have made light of religious profession. It is, therefore, a matter of first importance that we should rightly understand the content of the ethics of non-resistance, if we are to be saved from a confusion which grows out of hurried and emotional thinking in an age that demands, as the first essential in all things, quickness of action.

Then we are compelled to reflect, singular though it be, that not only does emotion play so often too great a part in religious thinking, but that there is a deeply rooted conviction in the public mind that the great paradox of Christian teaching, as to conduct, is capable of instant simple interpretation by some inherent automatic power of mentality that resides in every individual. In the reaction against the theologian and his bewildering sophistries, we have not escaped altogether a contempt for the profundity of the Christian ethic, even though it be largely unconscious.

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And, all too often, men confuse the primary law underlying the ethic with a theoretic interpretation of the ethic itself, forgetful of the fact that we only know as we do, and not that we are to do as we know. This, and similar confusion, has not been absent by any means from much that has been written on this aspect and relation of the war.

As a matter of fact, there is no kind of thinking more dangerous than the emotional, just as there is no prerequisite so essential to the solution of humanity's many present problems as straight thinking. In the effort to interpret the ethic of Christ which relates to the whole principle and practice of warfare, we must beware of that kind of popular exegesis which threatens the virile character of Christianity by an introduction of unthinking sentiment as a determining factor. It must, then, be frankly confessed that there is a deplorable misconception in the public, and even the religious, mind as to the meaning and content of the ethics of non-resistance, and in much of our present effort to relate them to the war in Europe there is a danger of merely provoking an unjust contempt. For the injunction to "turn the other cheek," as commonly understood, is not one that in our present state of mental and spiritual development carries overmuch attraction or appeal. It is better to face this fact plainly than to delude ourselves by the exercise of a certain sentimentality that accepts in theory what it will not endure in fact. Men have a fundamental fear, in the mass, of being unmanly, and the common misconception of what is implied in the turning of the other cheek does not advance a principle of conduct that is generally attractive to men of our day, or one that is much more popular with the other sex. Despite her tender sympathies, woman has always had a not unloving regard for masculine physical force and an abhorrence of physical cowardice; and it is only in the interests of religion itself if we insist that candor shall break through emotion and ask in plain unvarnished terms whether the ideal of non-resistance is one that ever has appealed to any day or generation. It is always a distinct

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gain to view questions of religious relation free from the gloss of Sunday school sentiment, and the largely artificial atmosphere that induces a seeming change of point of view, among large numbers of men and women, on one day in every seven.

To state this frankly is not to despise the ethic of Christ; on the contrary, it is to exalt it by clearing the ground for its rescue from the mawkish sentiment with which so many have been content to surround it, to the detriment of religion and the alienation of men and women worth while. We need above all else to-day a plain restatement in the language of our times of the demands of the Christian ethic, as the first essential step to its actual practice. It either must be wise or unwise; if the former, declaring untold value in furthering human efficiency and welfare, let us practice it; if the latter, let us at least acknowledge it and abolish the humbug of a pretense that deceives nobody of lauding a course of conduct we have not the faintest intention of following. And, now, especially, is a time we need to be firmly reminded, when the man-appealing side of Christianity is threatened with further loss, that the great Founder of the ethic has no use for men and women except those of strong, dominant purpose, people who either possess, or hunger to possess, heroic qualities, and who are willing both to dare and suffer in the exercise of a splendid aggression. For this is to present instantly a point of view that at least possesses some attraction—and it is the only true view.

Of course this is to imply that the ethic of non-resistance is not of the general and wide application and character it is commonly thought to be, but subject to certain qualifications which we have, to so large an extent, forgotten or never learned. This is due in largest measure to our confused notions as to what meekness really is. We commonly visualize it as an interpretation of what is implied by turning the other cheek, as a weak man enduring a blow at the hands of a strong and inviting further castigation as unpleasant duty, whilst hoping for the intervention of a

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stronger man who shall thrash the bully; or the picture is one of the weaker enduring through sheer fear, or because of some ultimate advantage to himself. Invariably it is some such image as that, or the worse one of necessity being made into a virtue by the resignation on the part of one powerless to resist. In all these the end is the conquering of the strong, either by greater physical force, or snares that eventually will make him captive to the less attractive instincts and morals of the weaker. Who among reflective minds can doubt but that this is a conception, if not a practice, that has been historically, with a certain mistaken religious aid, a factor in the affairs of men? Be that as it may, it is certain that not only Nietzschean contempt for the Christian virtues has been rooted and grounded in just such misconception and misunderstanding.

Now it cannot be too clearly insisted that any such view is nothing but the plainest, grossest parody on the Christian ethic, for that values not mere meekness, but the forces of love, courage, kindness, strength and good-will that go to its making up. Nothing is more foreign to the Christian ideal than the meekness of the Uriah Heep type, or of the effeminate ascetic preacher, who teaches true humility's exercise to be practically a standing invitation for someone to kick the exerciser. The meekness Christ preached was always associated with strength, over-mastering purpose, domination—*e.g.*, "the meek shall inherit the earth." Indeed, so far from the ethic making for the conquering of the strong by the weak, its clear purpose is the subduing of the unruly strong by the stronger, only by means which are not coercive. In other words, so far as its common daily practice is concerned—and it is a matter of common daily practice, even though it be largely unconscious—the imagery is that of one who, having power to injure or crush, wills to endure because of the love he bears for the offender, a love which ultimately is to change and win the offending heart and will. But where love is absent, the only conditioned motive for the exercise of the virtue, the matter is wholly different, and it is no part of the ethic that under

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such circumstances blow or oppression shall be silently received, even though retaliation is contrary to the spirit of Christ—a statement that may appear more involved than, as we shall see, it really is.

To illustrate out of daily experience; two women are subject to violence on the part of their respective husbands. One patiently endures his tyranny without resentment or retaliation because of the great and intense love she bears him. Her love is so strong as to give her more than hope that eventually it will change her husband's disposition; and if the law seeks to interfere she begs they be let alone, or the man pardoned, because confident herself of the issue. The other woman puts up with abuse from her husband, not because of her love for him, but on account of the comfort or gain she enjoys otherwise by enduring. Now we may condemn the first woman's attitude as folly, but despite that she wins our admiration, even reverence, where the second woman provokes only our contempt. It is the motive that determines the value of the action: one is noble or base just as the motive is noble or base. To endure affliction for the sake of getting, or for a false peace, is to do far greater violence to the Christian ethic than to retaliate; self-defense becomes noble in comparison with it. The maxim, "peace at any price," bears no other relation to the ethic of Christ than sharp contradiction; love, real love, not mere vapid sentiment, alone can be the motive justifying resignation and endurance under the tyanny and assault of the oppressor. That is the principle underlying the ethic. (Without entering into purely religious discussion, which is not the purpose of this paper, it may be said in passing that this point of view throws light upon the difficulty of reconciling the injunction to the disciples, on the eve of Christ's arrest, to provide themselves with swords, with His plain, positive inculcation of the principles of true peace. At a critical time, and in a stage of their development when they were still unable to enter into the meaning of His suffering, not possessing yet the measure of love and perceptivity which

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would enable them to do so, the presumption is it were better for them to draw the sword in self-defense rather than suffer a blow from any other motive than the love which was not yet theirs.)

If we apply the foregoing conclusion to the present war raging in Europe, the difficulties which grow out of the common misunderstanding of the Christian ethic are seen to disappear. It in no sense, of course, mitigates the offense of the aggressors, or justifies war as being at one with the spirit of Christ; but it declares the attitude of Belgium, for example, as being far nearer the ideal than would have been the case had she consented, in the self-interest of a false peace, to allow herself to be trampled upon and her treaties set at nought. To have done so would have been to bring herself into the same general condemnation and reproach as Luxemburg. For obviously, in both cases, the determining factor in the choice of action, so far as the Christian ethic is concerned, was lacking. Belgium did not love Germany with so great a passion that she was willing to endure so that the hearts of her oppressors might be changed and won; otherwise, it would have been demonstrated, for the first time in the history of Christianity, that a whole kingdom of the world had become a very real part of the Kingdom of God. Lacking the only motive of which the ethic takes count, she drew the sword of self-defense, where Luxemburg practically surrendered from a motive of self-interest. One may have wounded whatever possession of love there was, the other destroyed love altogether. One meant giving—giving all that she had—where the other meant getting; and giving, even of this description, approximates in some real sense to the general Christian ethic, where the other stands out in sharp opposition to it, though one drew the sword where the other sheathed it. Therefore it is idle to discuss what might have been, had Belgium turned the other cheek, when the only justifying motive for such an action was clearly wanting. Belgium could have acted in no other way than she has acted, under circumstances which make her action right in the *light* of

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the ethic, as distinct from the exemplification of it, and right in the point of view of all healthy thinking men—a reconciliation which is most desirable. Not, of course, that it is implied that Belgium under *any* circumstances could not have fulfilled the ethic itself, but that under present circumstances, when the corporate spiritual possession of sufficient love was lacking, she took a course which was justified in the light of the ethic, even though the drawing of the sword was disloyal to the spirit of Christ.

We shall only rid ourselves of those harmful artificialities and meaningless affectations which abound to the detriment of modern religion, as we seek to free ourselves from the confusion that grows out of thoughtlessness, aided by lack of frankness. Therefore, it needs to be pointed out and clearly grasped that the Christian ethic is concerned not directly with the kingdoms of the world, but with that Kingdom in the world, yet not of the world—a totally different matter, to which we are not alive as we should be. We are rather stupidly looking for effects apart from their causes when we confuse the two. It is quite beside the point to prate about the violence Christian nations are doing to the laws of Christian conduct, just because certain nations are content to be labelled as what they manifestly are not—Christian. The ethics of the Sermon on the Mount were promulgated for those who became, or were to become, citizens of a very real Kingdom, but one not of this world; a course of conduct was marked out for *them*, not for those who remained without, violating, in some shape or form, almost every vestige of its spirit, inclined only to pause where the shedding of blood was concerned. And in the confusion and heart-breaking disappointment that results to-day, with the accompanying fear, so generally expressed, that perhaps after all Christianity has failed when Christian nations thus fly at each other's throats, we are simply reaping what we have sown in our amazing willingness to accept national expressions of religion as being one with the religion of Christ. If the war means only this one thing to the religious world, viz.:

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that it brings out in lasting emphasis that Christendom is in many things at opposite poles to Christ, and in most at variance with the principles of His religion, how great a boon will have been done to the cause of vital Christianity! For we have all too long almost unpardonably blundered in our readiness to accept the official acts of governments, nominally Christian, as being in line, if not one with, the principles of Christ's Christianity. It is only as we rid ourselves of emotionalism in thinking that we realize the spirit of the world is still the spirit of get, where the spirit of the Kingdom not of the world is ever that of give. We cannot reconcile these just because it looks or feels nice and appeals to an unthinking sentiment: they are irreconcilable and must war, one with the other, until one proves the conqueror and subdues the other.

This is made clear in the saying to Pilate: "My Kingdom is not of this world, else would My servants fight." That is to say, were His Kingdom of the world, fighting would be the only natural course to pursue when violence was done to its Ruler; there would be no alternative; an implication that so long as the kingdoms of the world remain really unabsorbed in His, wars must and shall continue. There is nothing more than hope to justify the propaganda of religious bodies that this shall be "the last war"; nor are we encouraged to believe that the preaching of such a tenet will seriously influence men and nations as they are to-day when we reflect that our present despondency and grief is, not so much because of the sin of the fighting spirit, but chiefly because of the loss of friends and property—a totally different thing from that Christian mourning which has the promise of being comforted. No, the kingdoms of the world will continue to fight until the fighting spirit is subdued in the individual. Wars may be fewer, partly as the indirect result of the influence that comes from all that is best in the religious sphere, but chiefly because war costs more than peace. It is only the "servants" who will not fight, because they share, or hunger to share, the spirit of the Ruler of the Kingdom not of this world—the realiza-

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tion of which should open up wide avenues for necessary action on the part of religious forces for increasing their numbers. Meanwhile, both will act naturally: the one governed by the ethic will be possessed with that love which burns up hatred; the other, without the Kingdom, will draw and perish by the sword.

This is not to slight the high ideals of nations or men who profess no religion, but simply a recognition—sorely needed generally—that there is an expression of the Divine Will in the human government of nations as distinct from the fuller and complete revelation in the Kingdom of God; and an operation of that Will, even though the worldly power be unconscious of it. Each has its place; we must not confuse the two. It is made abundantly plain that the power of Pilate to pass judgment was "given from above," though the judgment itself was his own and its consequences to be met by himself. So, now as then, there is an operation of God in the nations of the world as distinct from the sphere of religion; the two spheres are not the same; each has its own ethic and one will grow ultimately—keeps growing gradually—to a realization of the values of what is revealed as the starting point of the other. People ought not to fight, but it is manifest they will continue to fight until the fighting spirit is conquered by the spirit of Christ, and that will be not by an importation of His spirit into the world, but by the absorption of the world into His spirit. Clearly this is something that has no immediate promise of realization.

It is altogether beside the mark, then, to rave about the violation of the Christian ethic in modern warfare of nations, seeing that the ethic only applies where it is voluntarily accepted, and its judgment only where there has been light in which it might have been accepted. As a matter of fact, those nations, which are merely Christian by courtesy of speech, act naturally in fighting, just as the true servant of Christ in abstaining from fighting acts naturally also. With both it is "first that which is natural; and afterward that which is spiritual"—one is the only

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foundation of the other. We cannot build the structure until the foundations are properly understood and laid and it is the failure to grasp this simple but profound truth which is so largely accountable for the anæmic quality of modern religion—our spirituality is to so great an extent unnatural. As things are, the onus of responsibility for fighting, in relation to God, rests upon the individual who, claiming to be Christian, rejects deliberately the ethic.

And this brings us face to face with the unpleasant fact of the tremendous share of responsibility that rests upon corporate religion for the present bloodshed. So far from standing afar off, and looking on with an air of lofty outraged righteousness, corporate Christianity should be on its knees at the tribunal of penitence as it beholds its own sons in the thick of the carnage. This is the really outstanding *shameful* feature of the war, that the Christianity preached to the children has been of such a worldly, colorless, compromised nature as not even to suggest a check when the fighting spirit challenged. The responsibility for that rests on other shoulders than those of the men at the front, adorned with Christian crosses, fighting bravely. Thinking people are resenting the Pharisaism of a religious press that calmly assumes this war has broken a sort of peace of Paradise that had prevailed; or that in righteous indignation (to quote from a New York publication) declares the whole duty of the Church to be that she "can show that war means the Sermon on the Mount stamped under foot and, in the place of spiritual forces, brute forces are made the law of life." They feel inclined to call attention to the fact that the only kind of spiritual forces corporate religion seemed able to bring men into contact with, were of a rather worthless kind when they surrendered so easily to those of the brute. And, apart from this, one is impelled to enquire the difference between the Sermon on the Mount stamped under bloody feet and those delicately shod with religious respectability in times of peace? Since when, in our times, has corporate religion burned with zeal to exemplify in its own life the precepts of the Sermon on

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the Mount? It is just the expression of such mawkish sentiment as this which declares the appalling fear that, in the Divine accounting of responsibility, the ax once more must be laid at the root of the tree!

If we are to profit by the lessons of this fearful bloodshed, clearly we must begin by realizing that war simply gives startling emphasis to conditions of life and action that form the norm of so-called Christian countries in times of peace. We war to get because we live to get; we oppress by force of arms because we oppress by the selfishness and self-interest of our social and economic life; we kill with shot and shell in war because we kill by callousness and lovelessness, treachery and self-seeking in times of peace. What advantageth it for a man to refuse to go abroad to fight so that he remain at home to oppress or disregard the suffering of his brothers? Where is the glory of knitting socks in the name of Christ for those who fight abroad, whilst content to behold our brethren at home unshod and unclothed? Or to send food to fighting armies abroad whilst untouched by the sight, grown familiar, of hungering armies of unemployed at home? Trampling the Sermon on the Mount underfoot! Since when has the corporate Christian conscience—as distinct from the individual—done anything else with it at home in our times? These are some of the questions religious bodies must ask themselves and bravely face before they presume to reproach. Religious hands, as symbols of religious hearts, must be clean before preaching is attempted. For, compared with much in our smug life at home enjoying religious sanction and patronage, with its empty churches and homeless men, the war—with its heroism, its self-denial, its uncompromising spirit of giving, its tender glimpses of strong men's pity, endurance and magnanimity, their respect and admiration even for the bravery of their enemies—the war, we dare to say, stands out in splendid, glorious relief. With all its manifest contradictions to the spirit of Christ, who among truly reflective or religious minds shall say that it fails on the whole, in what it calls forth, to approximate

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more closely to the ideal than the sanctified self-satisfaction of that type of the religious conscience that simply lives to get? There are worse things than war—things more repugnant to God and right-thinking men—and it is only as we break away from our false emotional thinking that we shall begin to be in a position to enter into the heritage of opportunity the close of the war will offer to Christianity.

It is idle for us to talk about the Christian ethic until we seek to understand by living it, and to realize that it sheds its rays abroad so that those not knowing the ethic are seen in its light, living and acting at the opposite pole to the Pharisaic mind of all time, with the Kingdom of God come very nigh unto them. This is a day not so much for the repentance of nations as for the religious organism to weep in penitence, because it has been content to preach what it failed to practice; not a time to find fault on the score of outraged Christian ethics, but to learn and practice obedience to the one that is through and over all—viz.: "he that loseth his life, for My sake, shall find it." No one will accuse the mammon-dependent organized Christianity of to-day, with its energies exhausted in its mad selfish struggle to maintain itself, of even the possession in part of that spirit which dares to make the venture! It is only as the Church generally enters into the paradox that her vision will become clarified and she made able to speak; for the principle underlying the laws of Christian conduct is that we only know as we *do*. Perhaps this is the lesson the war is to teach the spiritual army that, walking by sight rather than faith, reverses the order and essays to do only as she knows?

P. Gavan Duffy.

New York.

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RESIST NOT EVIL.

ROBERT K. RICHARDSON.

ASIDE from theories which emphasize the beneficence of war regardless of Christian standards, there are possible two rational opinions about war either one of which may properly lay claim to Christian character: the one that war is unpermissible and unchristian under all circumstances; the other that war may be a last resort, a regrettable resort, but sometimes the one morally defensible resort. The former view finds obvious support in the precept of Jesus. Its chief modern supporter is, of course, the late Count Tolstoi. Saint Augustine in late antiquity and Norman Angell at the present day may be deemed representative of the second doctrine. This paper is a comparative study of these four teachers from the standpoint of their respective epochs and environments. It closes with some conclusions suggested by the results of this study.

Jesus.

The best authenticated sayings of Jesus are presumably those found by critics in the reconstructed non-Marcan source used by Matthew and Luke, usually designated "Q." About these sayings in "Q" is the minimum of the encrustation of tradition. In them the historical and human Jesus stands revealed much as the pre-Bonaventuran Francis of Assisi, thanks to Sabatier, stands revealed in the earlier chronicles and documents of the Franciscan Order. Nothing in these most certain of Jesus' Logia gives apparent warrant for war. Rather we find such sayings as: "Whoever smites thee on thy (right) cheek, turn to him also the other," or: "I say to you, love your enemies and pray for them that persecute you." In close accord with these "Q" sayings and presumably quite genuine is the commandment found in Matthew, omitted in

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Luke, used by Tolstoi, and in a sense generalizing the matter: "Resist not evil."

Little in the speeches or life of our Lord seemingly entitles us to wrest from their literal meaning, as applied by Jesus to the men and circumstances with which He was immediately connected, the words: "Resist not evil." His recorded life is by no means lacking in out-spoken and justifiable vituperation, but, aside from the easily overestimated violence of the expulsion of the money-changers, it contains nothing that even savours of actual force. The Master frequently speaks in paradoxes; constantly we must beware the turn of humour or make allowance for the stroke of irony. In this instance a plain, *prima facie* interpretation of the words of the Christ appears necessitated by their entire and evident harmony with His whole intellectual habit and the general character of His active career, in life and in death. The literal interpretation precisely is most consonant with Jesus' attitude toward the material goods of life, with His beliefs as to the World to Come and with His oriental and Galilean surroundings.

Such an interpretation accords with Jesus' attitude with respect to the material goods of life,—one pretty much that of the genial and cheerful asceticism of His devoted, successful and similarly emotionally endowed imitator, Saint Francis. Neither of these two shunned such goods: neither sought them. The life of wandering that He himself led, Jesus recommended only to such as were to be active in propaganda: Saint Francis exhibited similar lenity toward the average laity by providing for them the less rigorous Tertiary Order. Brother Sun and Sister Water were the song of the friar; and the Great Teacher's eye, as He discoursed, sought the fields white for harvest and rested on the vesture of the lilies. Either, on occasion, consorted with the leper or feasted with the rich. Neither was greatly concerned, we may presume, with sculptured stone or frescoed plaster. Both are alike in the little heed they pay to the economic problems of existence. The form of the Lord's Prayer in "Q" is simply: "Father, give us this day

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our daily bread, and forgive us our debts, even as we have forgiven our debtors, and lead us not into temptation." An attitude so free and easy as this toward life's bodily needs and enjoyments leaves little indeed to serve as object of combat. Those who have little to lose—that is, little they esteem of genuine importance—have slender motive forcibly to retain that little.

The literal interpretation, again, agrees with the Master's expectations as to the World to Come; agrees, that is, with His own Messianic interpretation of His mission. How far the Kingdom for which Jesus toiled was in His mind eschatological and how far temporal and social, is still vastly disputed by the theologians: presumably His conception shared both characteristics. The significance for the Great Physician of the social and temporal certainly must not be minimized. On the other hand, the characteristics of surviving apocalyptic literature and the frequency of quotation therefrom in the New Testament at large, together with the fact of Jesus' assumption of Messianic powers and His prophecies of last things—such as the prophecy of the judging of the Twelve Tribes of Israel by the apostles seated on twelve thrones, assigned to "Q"—lead to the conviction that His intellectual life moved largely, if freely, in the thought drifts of His age and people. The more than Isaiah-like, the thoroughly unique, spirituality of Jesus' interpretation of the Messianic hope and His indubitable expectation of the proximate approach of the world's supreme catastrophy make it difficult to understand how He could have been the advocate of a warfare so likely to distract attention from the great and ultimate event immediately at hand.

In more than one respect "Q" points to the thoroughly Galilean character of Jesus, and with such a Galilean type the simple and *prima facie* interpretation of the famous saying accords exactly. The Man of Galilee had been a Galilean boy, and many must have been the mental patterns stamped upon that subtle and receptive brain by the recurring sights and sounds of eastern village life. The sayings of the Master may well reflect ideas still existent

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in the communities of the East, and, among them, those concerned with the nature of justice and the desirability or undesirability of exacting punishment and retribution. These ideas are, it chances, rather antithetic to those of the Occident, of the Roman or the Anglo-Saxon. They are connected with an administration of justice almost entirely local, the government intervening only under the most extraordinary circumstances. In this oriental village justice less attention than with us is paid to the category of the offense in and of itself and much more to concomitant circumstances, to the probable effect of punishment on the culprit and to the hesitations, sympathies and good-nature of the plaintiff. To this day, writes Mr. Innes in the *Hibbert Journal*, in an article concerned with English legal administration in Egypt, "one of the primary duties of the kadi is not to judge but to reconcile; and before passing sentence, he is enjoined by the Koran to use his influence with the prosecutor or the plaintiff to forgive, or, at least, to abate the rigour of his full demand." In the mind of the East, "the man, who, though having just cause for anger, yet refuses to punish and forgives time after time, that is the man who is most respected. One has to realize this point of view to understand the exhortation: 'Not until seven times; but until seventy times seven.' . . . What we call justice is to the devout Mohammedan, wickedness, repugnant to his most sacred feelings."

"Resist not evil," then, is clearly a saying of the East. Equivalent expressions are met with in the Koran, a book substantially uninfluenced by Christianity, as for example in the verse quoted by Innes: "Whosoever shall remit punishment, it shall be accepted as an atonement for him." The precept of Jesus, though referring clearly enough to private transactions, is in spirit contrary to violence of any type. It is the emotional, virtually the instinctive, voice of the religious Orient.[1] It is spoken by the Christ in the literal sense.

[1] On Jesus as child of the East, see also articles by A. M. Rihbany, entitled "The Syrian Christ" and "The Oriental Manner of Speech," in *The Atlantic Monthly*, 1916, vol. CXVII, pp. 309 *et seq.*, 506 *et seq.*

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Tolstoi.

It has been remarked that the most important fact of the Crimean War is that Count Leo Tolstoi escaped being killed. It is difficult to say whether the dictum were best maintained on the basis of Tolstoi's achievement in pure *belles lettres* or on the ground that he has been conspicuously the most successful literal imitator of Jesus in modern times. His influence has not improbably made war more hateful than the influence of any other single man in either hemisphere. He is an easily traceable leaven in American politics at the present moment. His attitude is one of absolute non-resistance, whether in private affairs by resort to the courts or in international concerns by recourse to armies. For Tolstoi the supreme commandment of Jesus is: "Resist not evil."

Nor is there anything of strangeness in the sympathy of the Russian for the Galilean. The autonomy of the Mir is not without analogy to that of the village community of the Orient. From the days of the Vikings and of the Altaian nomads who first preyed upon the Russian lands to the partition of Poland by Frederick the Great and the Empress Catherine, the political ruination of the Slav has been an accentuated localism of the most placid and non-resisting type. Russian economic life, also, is but beginning to lose a simplicity akin to that of ancient Palestine's. Tolstoi's thought thus moves mainly within the confines of that agriculture which monopolized Russian endeavor till the epoch of Count Witte's industrialism. The æsthetic bent, likewise, of Count Tolstoi is akin to that of Jesus: it is toward the beauty of nature relatively without regard to art. "The first condition," he writes, "essentially necessary to happiness has ever been admitted by all men to be a life in which the link between him and nature is not destroyed—that is a life in the open air, in the sunshine, in communion with nature, plants and animals." Intellectually Tolstoi is indefinitely more sophisticated, more consciously eclectic and systematic, than Jesus: far, indeed, is he removed from the Messianism of "Q." Yet, *in practical*

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effect, the Messianic ideas of the Christ find their analogue in Tolstoi's conception of the "Son of Man." As Tolstoi deems this conception "the basis of the whole Gospel," and as he makes it almost the entire rational substructure of his non-resistance superstructure, it requires further attention.

Tolstoi's doctrine of the "Son of Man" holds that man has a birth from above and from below: a birth spiritual and a birth natural. The spiritual life which comes to him from above transcends the natural and individual life. It is itself not individual life, but is God in the individual life. The name given to this life of God in man is "the Son of Man." Tolstoi goes so far, even, as to identify the mystical "Son of Man" with the Logos of Stoicism, proving his point from Epictetus and the Emperor Marcus. The religious consciousness of the farther East, of India and China, is made to render further support to his idea. All men possess this "Son of Man," though some serve it and some heed it not. Immortality is neither more nor less than the longed-for merging of the individual life with the God within us. Immortality as personal is non-existent. Tolstoi makes the remarkable claim, in fact, that not in a single passage of the Gospel, "does Christ speak of His own personal resurrection." "The whole purport of Christ's doctrine is to teach His disciples that individual life being but a delusion, they should renounce it, and transfer their individual lives into the life of all humanity, into the life of the 'Son of Man.'"

Such is the mystical doctrine that forms the rational basis for Tolstoian non-resistance: and so, replying to the criticism that if the innocent man always yield to force he will never succeed in getting anything to show for his yielding, Tolstoi explains that the innocent lose nothing in submitting to violence precisely because they have nothing to lose. "It is just in the conviction," he declares, "that this earthly individual life is something real, and actually belongs to us, that the misunderstanding lies which prevents our comprehending the doctrine of Christ. Christ knows

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the illusion by which men know their own individual lives as something real, and something to which they have a personal right: and He shows them, in a series of sermons and parables, that they have no claims on life, that they have, indeed, no life at all, until they attain true life, by renouncing the shadow which they call their life." The Russian clearly stands in the succession of Eckhart and the author of the German Theology. It is clear that the basis of his theory of non-resistance is so mystical, almost, one is tempted to say, so gnostic and dualistic, as—on any grounds presented by Tolstoi himself—to be quite unacceptable to any one according real value to the achievements of civilized society.

Jesus and Tolstoi.

The voice of Jesus was, in the nature of things, addressed to an age and a community ignorant or little regardful of three capital facts in contemporary or subsequent experience: the State, the Renaissance, the Experience of Nations in History. Tolstoi is cognizant, but disdainful or careless, of these matters.

(1) *The State.* The every-day experience of the Master was the rural experience of His time. Of the governmental problems of the Roman state, of the duties of that far-off thing intervening so strangely in the local life from time to time, like a *Deus in machina*, of its right to exist, He says next to nothing. There is slight evidence but that He cared next to nothing. Yet to ourselves, if not to tsar-pestered Tolstoi, the state is one of the most basic, most strife-saving achievements of mankind: an entity not to be injured without harm to those in whose loyalty it finds existence and to whom it returns protection and assistance in spheres manifold. It is the instrument, rightly used, of the attainment of collective personality and collective service.

(2) *The Renaissance.* The modern world is the child of the non-Semitic, non-quietistic West and of the Renaissance. Equally removed from eschatalogical Messianism

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and from personality-denying and world-renouncing mysticism, it recognises the worth of the heritage of classical antiquity and the value—the God-given value, it would say—of the material, intellectual and institutional accretions of the centuries. Whatever heaven may remain, western man has decided that earth also is his home. He is told by his astronomers that his globe is likely to swing about its sun, warm, beautiful and inhabitable, for millions of years to come. The catastrophic and the mystical alike, the latter to an excessive degree, have retreated to the very "periphery of consciousness," and the world, a good world, a permanent world, a real world, an improvable world, to be lived for and died for, a capital not to be pillaged nor to be left to pillage, fills the social mind with its rounding bulk.

(3) *The Experience of the Nations in History.* The damage done to flourishing peoples by hostile and aggressive neighbors is to us too patent to be ignored, as well as are the generally evil consequences of failure to secure as close approximation as possible of the boundaries of state and nationality. The partition of a highly pacifistic and at the moment politically liberal Poland is doubly a case in point. For the Dutch to have adopted a pacifistic attitude of the Tolstoian type in the days of Philip II would apparently have been to the permanent detriment of the generations subsequent, and the distaste for bloodshed evinced by Louis XVI on the tenth of August was prelude to the worst of the most bungled and most sentimental revolution the world has ever seen. The experience of the nations in history indicates the importance of the conservation at every hazard of the gains of state and national life and the danger of leaving to their own devices the devotees of violence—always supposing that the goods represented by the state, by the spirit of the Renaissance and by the consciousness of nationality, be held inherently real and valuable. Of this experience the ancient Teacher is unaware and the modern teacher neglectful.

The thoughtful Christian of the modern west may not

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disregard these factors nor their meaning for group and individual life. Like Tolstoi, though with more seeing eye, or like Saint Francis, he must deliberately set them behind his back and, in a highly altered environment, follow literally the injunction of Jesus, or, somewhat in the spirit of the Alexandrian fathers or of the judicious Hooker, discover God's hand in the developments of history and the gifts of constructive reason, and equally truly seek to follow the Master by attempting to winnow the universal, the eternal and the substantial in Jesus' saying, not from the erroneous, but from the local, the temporary and the accidental. Of those who have chosen the second alternative Norman Angell in the modern world and Saint Augustine (however little he realized it) in the ancient may fairly be considered representative.

Saint Augustine.

In Jesus' summary of the law which found acceptance with the scribe, the "Resist not evil" of the countryside became the all-embracing and more truly generalizing enunciation of the commandment of love of God and of one's neighbor. This generalization, already accepted by the Jewish mind, became in turn, in the Alexandrian gospel of John, the superbly mystical and basic conception of the "peace" of him in whom abide the Father and the Word. The tendencies of Alexandria in turn affected Augustine who became their supreme mediator to the Latin West. Three things need particularly to be noted with respect to Augustine's Alexandrianized and Latinized Christianity: the hearty acceptance of Jesus' doctrine of love, the interpretation of the state and of its mission in the light of this same doctrine, and the failure of the Augustinian system adequately to meet the requirements of modern feeling and experience.

Augustine thoroughly accepts Jesus' doctrine of love. It is fundamental to his system. Love's presence is the essence of heaven, its absence the substance of hell. The very phrase of Jesus is employed: "For our good, about

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which philosophers have so keenly contended, is nothing else than to be united to God, and by His intellectual and incorporeal embrace our soul grows great with all virtue and true perfection. We are enjoined to love this good with all our heart, with all our soul, with all our strength. To this good we ought to be led by those who love us, and to lead those we love. Thus are fulfilled those two commandments on which hang all the law and the prophets: 'Thou shalt love the Lord thy God with all thy heart, and with all thy mind, and with all thy soul,' and 'Thou shalt love thy neighbor as thyself.' For that man might be intelligent in his self-love, there was appointed for him an end to which he might refer all his actions, that he might be blessed. . . . And the end set before him is 'to draw nigh unto God.' And so, when one who has this intelligent self-love is commanded to love his neighbor as himself, what else is enjoined than that he shall do all in his power to commend to him the love of God?" It would not, indeed, be far wrong to say that all the volumes of the writings of Saint Augustine are epitomized in the simple, oft-quoted phrase: *Cor nostrum inquietum est donec requiescat in Te*—that is, until our heart is completely filled with love.

Augustine, also, is intimately concerned with the state, the mission of which he interprets entirely in the light of the gospel of love. For him the state is no soulless, non-moral affair: unless in love it conserve justice and assist the City of God, or, as we to-day say, help the growth of Christ's Kingdom, it is no state but rather organized brigandage. Thus for the Roman that state from which the Galilean Jew was practically so aloof, becomes a chief engine in the creation of a society based on the doctrine of the love of God and of one's neighbor.

And lastly, there is no hint in Augustine that because the state is based on love it is forced to virtual suicide by any duty of non-resistance to those who would destroy it. For the righteous state to prolong its own existence is to accomplish its own mission of love to those beneath its

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protection. The subject's duty to assist the state in this endeavour may for Augustine transcend even the demands of the ascetic and monastic life—and this is going far, since the bishop of Hippo is nothing if not ascetic and renunciatory. He advises Boniface, the best soldier in Africa, to forego becoming a monk precisely in order that he may serve his country in a military capacity; and when Boniface accepts the easy part of the advice and renounces the renunciation, but neglects the toilsome obligations involved in the hard part, he is stingingly rebuked. "Who would have believed, who feared, with Boniface established in Africa as count of the *domestici* and of Africa . . . that the barbarians would be so daring, would have made such progress, . . . turned so many populous places into desert? . . . If, therefore, bounties have been conferred upon thee, albeit earthly and transitory, by the Roman Empire—seeing that it is itself earthly, not celestial, nor can confer save what is in its power—if, therefore, bounties have been conferred upon thee, return not evil for good." For Augustine the state is to be less peace-enjoying than peace-giving. *Quando autem vincunt qui causa iustiore pugnabant, quis dubitet gratulandam esse et provenisse optabilem pacem?* One may be most at peace when most at war.

Augustine's system is, however, so radically transcendental, its real motivation so other-worldly that, fine gold that it is, it may profitably be alloyed with the baser metal of the secular and of the Renaissance. Such an alloy it is, humble in its earthiness but stiffening in its practicality, which is represented by the thought of which Norman Angell is now the conspicuous spokesman.

Norman Angell.

An author who claims that "in the long run the final sanction of the religious ideal is the well-being of society" and who brands as one of the "most vicious" of all possible traditions the belief that "there is some necessary contradiction between interest and morality, that high

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ideals must be in conflict with material advantage, that the higher welfare of the race is in some wonderful way founded upon a sacrifice of its material welfare"—both quotations are from *Arms and Industry*—such an author is as far removed from the pessimism of Augustine as from the mysticism of Tolstoi. Angell, then, seeks less to explicate the doctrine of love in and for itself than to secure the acceptance of the doctrine in a sense conformable with a western sense of values by convincing the public opinion of states and nations that it is the only profitable doctrine. His attempt—and in the long run his reputation must be lessened by the very restriction of his aim—is to make the gospel of love appear reasonable, if only on an economic and all too unsentimental a basis.

Angell's writings appear to have a primary and a secondary centre. The relation of each centre to the other he himself would seem not fully to have determined; yet, though adjustments may be needed, his system is consistent as a whole. Its primary centre is the attempted proof of the political, economic and social folly of aggressive war. Most of Angell's pages are devoted to this theme to the eclipse or obscuration of his system's secondary centre.

This secondary centre is the doctrine of the legitimacy of force to prevent the settlement of disputes by force. It finds clear statement in the *Arms and Industry*: ". . . because I do not believe in force, I do believe in defense—that is to say, I do not believe in allowing the other man's force to settle any matter in dispute; and for this reason I have taken the ground that, in performing this function at least—in preventing force being used—the soldier's work is useful." The same spirit runs through *The Great Illusion*. In other words, with Angell as with Augustine, the state is to be utilized in the public as in the private sphere to prevent resort to force: the military power of nations and states is analagous to their police power: the same considerations are to guide in the assurance of peace between nations as prevailed with those who, in Angevin days, in the name of the king's peace, forcibly compelled men in private affairs

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to give up self-help and resort to writ and jury. Soldiers are to become policemen and Mars is to be rechristened Ichabod. The general idea is the idea of Augustine, but it is vastly more definite in expression and in its appeal to the experience of the Anglo-Saxon race.

Summary.

Two reasonable courses present themselves to the thoughtful Christian facing the admonition of Jesus: "Resist not evil." (1) He may accept the binding obligation of the saying at its literal face value. (2) He may accept the saying as the emotional, almost instinctive expression of a great truth by the most gifted religious mind of the East and of the ages, but as an expression in the nature of the case local, inadequately generalized and needing to be supplemented by a generalization adapted to a longer and wider human experience. This supplement is found in the great commandment of the love of God and of one's neighbor.

To be consistent, a supporter of the first course must minimize or disregard the value of the institutional and material aspects of culture, either as inherently negative or as lacking supposable permanence: there must always exist a natural and logical relationship between the radically pacifistic and the essentially ascetic, even if genially ascetic, frames of mind. He who adopts the second course should, and of course instinctively does, evince respect for the institutional and material adjuncts of culture. On the whole the first solution must be supported, for theological reasons, by those who deem religious truth something fixed and static: Augustine may have been true to the logic of fact but it is hard to see how he was not unconsciously untrue to the logic of literal inspiration. The second standpoint, contrariwise, requires that religious truth, like other truth, be considered as revealed in the great currents of historical thought, action and emotion, in the West as well as in the East. One who accepts the first position has of course no quarrel with the Galilean Christ. One who is

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the disciple of the second does to a degree lose touch with the Christ of Galilee that he may lay hold on the Christ of the world, in all its breadth and in all its duration. Conserving his conviction of the moral validity of the use of the state, whether through its police or through its soldiery, for the conservation of mercy and justice, a conviction almost instinctive, not foreign to the Kingdom of God, the product of western evolution, and our Roman and Germanic heritage, such a one may well assert that he is sacrificing the *times, the environment,* that were in Christ Jesus, to secure the veritable *mind* that was in Christ Jesus. Either view has its logic, either view its peril—even Mr. Angell distrusts the preparedness required by his own theories—but it behooves clear thinkers and earnest men to guard themselves from the religious doubts and moral paralysis incident to a muddled combination of both standpoints.

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BOOK REVIEWS.

THE THEORY OF ABSTRACT ETHICS. By Thomas Whittaker. Cambridge: The University Press; New York: G. P. Putnam's Sons, 1916. Pp. ix, 126. Price, $1.35.

This is an interesting book, containing much more material than might be expected from its length. Its main purpose is to expound the ethical position set forth in Professor Juvalta's *Old and New Problems of Morality;* and that, in its turn, may be regarded as a restatement of the ethical position of Kant. But Mr. Whittaker's book is, nevertheless, an original contribution to its subject. It contains some general discussions on the relations of ethics to metaphysics and on the relations between the conceptions of law and end, together with a short historical sketch of the development of abstract ethics. The chief contentions, as I understand them, are (1) that the science of ethics is not dependent on metaphysics, (2) that it rests primarily on the conception of what is intrinsically good or valuable, as ultimate end, (3) that there are certain fundamental laws of morality, which are subsidiary to the ultimate end, but which cannot be directly derived from it, (4) that these fundamental laws are those of liberty and justice, (5) that the consideration of the moral law raises certain metaphysical problems, and prompts us to some attempt to solve these problems. Thus, though metaphysical questions are not involved at the beginning of the study of ethics (except in the sense that they have to be cleared out of the way), they are, nevertheless, suggested at the end. On each of these five contentions some short comments may be made.

In urging that a metaphysical basis is not required, Mr. Whittaker associates himself, to a large extent, with Dr. G. E. Moore. It must suffice to state here that the contention depends largely on what is to be understood by metaphysics. If we understand it to mean a theory of the structure of the universe as a whole, it is probably true that our metaphysical conceptions are based on our ethical ones, fully as much as the latter are on the former. But if we understand by metaphysics the discussion of the objective significance of fundamental conceptions, such a theory as that of Dr. Moore is eminently metaphysical. If we do not rest our ethical conceptions on biology or psychology or sociology, it

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would seem that we must rest them on something that is taken as fundamental; and it is not easy to see how anything can be accepted as fundamental without metaphysical discussion.

That the fundamental conception on which it rests is that of the intrinsically good or valuable as an end that ought to be pursued, seems clear; but the relations between *good*, *value*, *end*, and *ought* call for more consideration, I think, than has been given to them either by Dr. Moore or by Mr. Whittaker; and I should suppose that such consideration would be metaphysical.

Mr. Whittaker's main contention, however, is that there are certain main laws of morality, subsidiary to the conception of what is intrinsically good, and not directly derivable from that conception. The most obvious of these is the law of justice; and, in emphasizing this as a fundamental law, Mr. Whittaker comes largely into agreement with Butler and Sidgwick, and, in a different way, with Herbert Spencer, as well as several other writers. Most of those who have emphasized this, however, have held that the end is happiness, interpreted as pleasure or as a sum of pleasures. It seems to be true that the law of justice could not be derived from this conception of the end; but, if ultimate good is conceived, as Mr. Whittaker seems to think it ought to be, rather as the realization of the social self, it is not so apparent that a law of justice is not implied in it. Plato, for instance, interprets justice as meaning the assignment to each individual of the place and function for which he is best fitted in the social unity. It might surely be urged that this is implied in the conception of a good social whole.

When Mr. Whittaker proceeds to consider more definitely what the fundamental laws are, he includes liberty as well as justice. And he appears, after all, to derive these laws from the conception of personality as an end to be realised. If so, it is difficult to see how they can be regarded as independent laws. If we deny the fundamental importance of personality, as some Oriental religions would seem to do, the laws of liberty and justice would fall to the ground. Hence also it is doubtful whether these laws could be used, as Mr. Whittaker seeks to use them, as conclusive objections to the Prussian theory of the power of the State as an independent end.

In his closing chapter Mr. Whittaker seeks to establish certain metaphysical views on an ethical basis. His general argument is summed up in the following statement: "The human mind as

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it exists is obviously in some sense a product of a larger whole; hence the principles by which it successfully interprets that whole must be in some way prefigured in the reality of the whole." This is a somewhat vague statement; and I am afraid it involves a *petitio principii*. If we knew that our principles successfully interpreted the whole, it would seem that we must already know the whole.

Mr. Whittaker's book is certainly suggestive and instructive. Some of its historical references are particularly valuable. But it seems to me to be lacking in thoroughness. The criticisms that I have ventured to make have reference to its main contentions; but there are also some minor issues on which objections might be raised. Thus, on p. 105, Mr. Whittaker says of the "logical persecutor" that "professedly regarding belief in what he holds for truth as the highest thing in himself, he makes it his aim systematically to repress the beliefs of others." But surely the logical persecutor does not value his beliefs merely as beliefs, but as truth. He attacks the beliefs of others, not because they differ from his, but because he regards them as wrong and pernicious. It is to be feared that Mr. Whittaker will not convert either the persecutor or the Prussian.

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THE PHILOSOPHY OF WANG YANG-MING. Translated from the Chinese by Frederick Goodrich Henke, Ph.D., former Professor of Psychology and Philosophy in the University of Nanking. With an Introduction by Professor James H. Tufts of the University of Chicago. Open Court Publishing Company. Pp. xvii, 512.

In this volume English students of philosophy are introduced for the first time to one of the most influential Chinese thinkers. It is doubtful whether they knew him in even the most indirect way before the appearance of Dr. Henke's presentation of his work, and they are to be congratulated upon their receipt of such a contribution as is rendered in this faithful translation.

The fundamental doctrines of Wang Yang-Ming which have had the greatest influence upon Chinese students for generations since his time are his teachings of the unity of reality and ex-

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perience, and that of knowledge and action, of theory and practice. That such teachings did exist in China in the middle of the sixteenth century, and that this most practical of the Eastern philosophers had many points in common with his Western contemporary, the author of the Novum Organum, is evidence of the truth in Professor Tufts' phrase in his introduction to this volume —"Seekers for truth speak a common language."

The metaphysical as well as the psychological foundation of the philosophy of Wang Yang-Ming is found in the following words of his own: "Reality is one; the crystallization of it is called nature, and the axis of this crystallization is called mind. The activity of this axis is called meaning or purpose; the distinctness of the activity is called knowledge; the reaction of the distinctness is called thing." (Not contained in the portion translated. Cf. pp. 81, 83, of the translation.) Thus it follows that the investigation of things is the investigation of the reaction of the activities of the mind, and the attainment of knowledge is the achievement of the distinctness of the activities of the mind and nothing more.

Mind, therefore, according to Wang Yang-Ming, is the embodiment of the laws of the universe on the one hand, and the dynamic, creative activity on the other. It is neither the *tabula rasa* nor the reflective mirror as Locke or Leibniz would have it but a constructive function that is everlastingly arranging and rearranging, creating and recreating its objects to suit its purposes. "It has no structure: It uses the right and wrong influences of heaven, earth, and things as structure." Activity, therefore, is the rank and file of life.

As a logical outcome of this doctrine we have the following teachings:

1. As the mind is the axis of the crystallization of the laws of the universe, intuitive knowledge is native and equal in each individual. Even strangled by his selfish ends and passions, this native knowledge still persists and manages to appear when these passions are subdued or harmonized. This persistence of the intuitive knowledge is called the intuitive faculty. Virtue consists in the development of this faculty.

2. The revolutionary theory that the individual is his own authority. Experience is the only guidance of life. One only has to go to his own inner self to find the laws of the universe.

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He can never go beyond his experience and expect to find truth. No past criterion can serve as his standard except his own.

Duty, too, must be found in one's own mind. "He who understands the original nature of his mind thereby understands the path of duty, for the two cannot be distinguished."

3. The unity of knowledge and action. "I say that the virtuous man already knows that knowledge and practice are a unity." "Knowledge is the beginning of action; action the fruition of knowledge. There is no practice abstracted from theory, neither is there theory abstracted from practice." Philosophy, therefore, is the warp and woof of conduct, and conduct the bone and marrow of philosophy.

4. Good and evil are relative and are late conceptions. When the intuitive faculty develops along its natural course unhampered by the selfish feelings and passions we call it good. But if the development of this faculty is smeared by the blot of the passions, it is evil. The end of human conduct, therefore, is to bring all these passions and feelings to "a state of perfect equilibrum and harmony," in order to maintain a state of tranquility in which the intuitive faculty can have a free play in the contemplation of the laws of the universe. And when this state is reached, good and evil disappear.

These are the main points in the philosophy of Wang Yang-Ming. Dr. Henke, in his Preface, classified Wang Yang-Ming as "an idealist of the monistic type." However plausible this may seem in the face of the system as a whole, I cannot help but remark that Wang Yang-Ming is too thoroughgoing and practical to be as consistent as that. He at least opposes the passions and desires to the intuitive knowledge; opposes the worldly ends to the heavenly laws. What place we can assign to these passions and desire in such a system of reality is a serious and baffling question.

Too much credit cannot be given to Dr. Henke for this translation. He not only adds to the Western library of philosophy a volume most valuable in its original but also does this without any predetermined purpose either to prove that the thought of the Orient is inferior to that of the Occident or to solicit followers for him whose work he presents. It is this disinterested interest that enabled him to present a volume which seems to me to be most representative of the original. Textual criticisms may be

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made but they will not affect to any extent the main doctrine which Dr. Henke wishes to present.

The volume contains the Biography, the Instructions for Practical Life, Records of Discourses,and the Letters of Wang Yang-Ming. The main teachings can be found in Book I, pp. 47–140. The rest consists of the repetition and elaboration of these teachings.

KIA-LOK YEN.

The University of Chicago.

SECOND THOUGHT OF AN ECONOMIST. By William Smart, Professor of Political Economy in the University of Glasgow. With a biographical sketch by Thomas Jones, M.A. London: Macmillan and Company, Ltd., 1916. Pp. lxxix, 190. Price, 5s. net.

The relation of ethics to economics is often supposed to present a difficult problem, though as it stands it is no more than an elementary matter of analysis. The two sciences discuss different questions, and there is no subordination of one to the other. But an intelligent grasp of the nature of social life demands the presence of both, together with the definite allocation of each to its own province. This is unhappily somewhat rare. The moralist is seldom able to resist the temptation of dictating to the economist: since, being a philosopher, he is accustomed to meddle with just those parts of other people's business that he does not understand.

It seems to me a peculiar tribute to the strength of Smart's mind that he should for so long have kept strictly to his business as an economist, and that when he did at length permit himself to exceed it, he should have done so with so marked an absence of confusion. The influences which had helped to form his mind in its youth—Ruskin and Idealism—had this at least in common that they were on the whole hostile to exact analysis and the discriminating separation of problems. Yet he does recognise that even in asking where the economic life is leading us, we come close to raising a question which is not one of economics, but of something else.

Smart's point of view had some characteristics rather unusual in an economist. For one thing, he thought it more remarkable that there should be wealth to distribute than that the distribution should be extremely unequal. We must first of all remember

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that there is no natural right to anything, and no guarantee that the necessaries of life should be on the earth at all, let alone the luxuries. Then we may consider gravely how great the inequality really is, and whether any means appears whereby it may be remedied. The answer consists in a restatement of the theory of distribution, according to which each factor is paid according to its economic worth: and the conclusion as to progress which follows is that it is best sought by developing the existing organisation. Men earn little because they are worth little: make them economically worth more. That is, they must devote themselves to work in which they have a natural monopoly—that part of manual work which machines can not do, or else professional work. The product will increase and it will be divided amongst them. It will be a maximum product, because substitution will by hypothesis have been carried as far as possible.

The real objection which thinking men have to the present economic system concerns not so much the distribution of wealth as the distribution of work. Even if wages were high, modern industrialism seems to involve for many men a kind of life hardly fit for human beings. And if economic development is to continue on the same lines as in the past, there seems to be no escape from this conclusion. Smart's constructive policy is simple enough in principle. It is to retain the existing system (which does so much for us) and by conscious direction so to alter it that certain objectionable moral effects disappear. The "economic" life must be made worth living for the mass of men; and this can be done by means which also bring about an improvement in distribution. The consumer must realize his responsibility: so also must the employer. The arguments under the first head are by now very familiar; those under the second form the most marked features of Smart's view, just as they did in his earlier books. The position of the employer in modern industry is one of great honour and extreme responsibility. He has to anticipate demand, bringing the factors of production together in the most efficient of possible combinations, taking the risks, and out of the price of the anticipated product paying wages and interest in advance. Such a function is at least as honourable as that of a professional man, and Smart appeals to the employer to regard it as such and to found and observe a professional tradition, caring for the interests of his workpeople, putting them where their labour *tells* most, and so on.

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There is no doubt that this position is worked out with much skill and care and that it represents the final result of the reflections of a mind peculiarly open to all kinds of influences, though curiously cautious in committing itself to change. There is little in the book which was not pretty definitely present in his previous volumes. Its special interest consists in that it enables one to appreciate the influence of certain assumptions which controlled his thinking. They were probably not completely explicit, and they were certainly never carefully examined. They seem to me to be present to a greater or less degree in almost all writers who greatly emphasise the marginal utility theory of distribution.

The first is that when considering the distribution of income, Smart expressly rules out of account as irrelevant the distribution of the means of production (*i.e.*, the question of "property" in the technical sense adopted by most American economists). The only reason alleged is that the distribution of income is the real question; if that is not seriously at fault, the other cannot matter. Hence Smart simply assumes in a sentence property and inheritance and bequest. Two remarks should be made on this. The first is that Smart himself admits that the real problem is the distribution of *work*. That is, even if a man's wages are extremely high, he may yet lack the essentials of a decent life. Secondly, the critics of the present industrial system have always held that the grave inequalities in the distribution of income were primarily a consequence of the distribution of property of a certain sort. When the hand-loom weavers rioted against the introduction of power-looms, they were objecting not to the mere presence of machinery, but to its exclusive possession by certain classes of people. They did not deny that the national dividend would increase: but they knew that no share of it would fall to them. This constant paradox is a direct consequence of our usages in regard to property. We may think that these usages are necessary conditions of there being any wealth to distribute, but this should not blind us to the fact.

Again, though the theory according to which distribution is of the product according to the marginal utility of the factors which brought it into being is in itself merely a descriptive account of what actually takes place, Smart quite consciously uses it as something more, and to do this he makes certain further assumptions. One of them is of an economic sort, and not easy to detect. He never seriously contemplates the possibility of

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anything except falling prices. His business experience had been all in the other direction; he regards it as an endeavour to lower costs and *therefore* to bring down prices in order to undersell. We may admit as permanent the struggle to bring down costs. But the assumption that the greater part, much less the whole, of the reduction must go to the consumer in lower prices is altogether gratuitous. It might possibly hold in a purely economic state where no differences in property existed and there never was, even over a short period, any scarcity of the means of production. But in a state like ours with an increasing tendency to industrial combination, "economic worth" becomes little more than a phrase to designate a struggle as to who shall get hold of the largest slice of pie.

The primary defect of Smart's constructive policy of making "employing" into a profession is the difficulty of discovering what it means. The term "employer" is extremely ambiguous, and its ambiguity affected all Smart's thinking. On the whole he seems to have meant the kind of position he himself occupied in his own business life. In this sense the employer performs functions that are extraordinarily complex, and recent economic development has seen a decided division of them. There is the mere provision of capital; there is the actual management and detailed organization of the business; and there is the general control and direction of policy. Each of these functions is separately paid for. And—interest being admittedly impersonal —the "professional function" will be shared between the manager and the Board of Directors. Ultimately we may suppose it to go to the latter, the manager being no more than a salaried servant. For social betterment, then, we must look to an increase in the morality of railway directors and shipping magnates. This is extraordinarily hopeful.

The same ambiguity infects his discussion of the reward of the employer. Several distinct elements enter into this, in Smart's original sense. We may set aside the wages of management. There are also (*a*) interest, (*b*) rent, (*c*) net profit. What most influenced Smart's treatment of these was that when he learned from the Austrians that interest is a time-payment he at once assumed that no ethical problems were involved. (Previously under the influence of Ruskin he had thought there were.) Given an explanation of the necessity of paying interest, no more needed to be said. But such an explanation is a mere description; and

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the real influence of capital on distribution is missed unless we go a step further back. It is the peculiar distribution of property —a fact simply assumed by Smart without discussion, even for the apologetic part of his argument—which enables a certain class of people to exact a time-payment. No one pretends that the lending of capital is not a public service; the point is that it is a particularly advantageous one to perform. Labour, on the other hand, though no doubt necessary, gets more kicks than halfpence. Having no staying power and nothing to sell but its labour, a commodity quite useless apart from capital, it must put up with what it can get. Labour may be indispensable to capital but Thomas Hodge is not. And the net result is that the effect of driving men into the professions under existing conditions would be that salaries would fall. This Smart admits: he thinks it would be accompanied by a rise in wages, which is just possible. He does not mention that he has adduced no grounds for expecting anything except a rise in the case of profits.

I am not suggesting that there is any remedy for this state of things, but only that the remedies Smart suggests do not meet the point. I quite agree that "redistribution" through taxation is unsatisfactory and had better come to a speedy end. But I am not charmed by the prospect of a Board of Directors all devoting themselves to "welfare work"—even if it were likely. And I would even urge the now old-fashioned and heretical doctrine that what a man most needs is to arrange his work and his life for himself—the former so far as the interest of his fellow-workers permits, the latter altogether. What he wants least of all is to have his amusements and leisure and social habits arranged for him; especially by one who thinks that to enter into one relation —and that the economic—with a man, is an excuse for interfering as much as possible in everything else.

The memoir seems to me exactly suitable and in place. All former students of Professor Smart will be grateful to Mr. Jones for so admirable a sketch of one who was so kindly and so fascinating a man and probably also one of the very greatest teachers of economics the country ever produced.

M. W. Robieson.

Queen's University of Belfast, Ireland.

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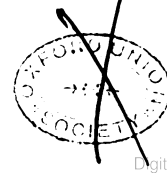
ECONOMIC MORALISM: An Essay in Constructive Economics. By James Haldane Smith. London: George Allen & Unwin, Ltd., 1916. Pp. 288. Price, 5s. net.

It was an admirable idea that one book should include a statement of economic conditions and moral judgments as to their effects, pointing towards some moral improvement. That is Mr. Haldane Smith's plan. His argument asserts that there has been too much division between economists and ethical philosophers. He shows, first, that the present economic conditions cannot be justified morally, largely because of the exploitation of the workers which makes it impossible for the majority of them to develop their characters or intellects. The main force of the attack is directed against "usury" which is identified with rent, profit and interest. The old arguments for and against these are reviewed shortly.

Next, the proposed change known as socialism or communism is discussed; and this is dismissed as morally deficient, chiefly on the ground that it does not give sufficient place to individual initiative. And, finally, the alternative suggestion is economic moralism. This is the chief interest of the whole book. Economic moralism is a system of society based upon ethical principles, having economic features like those of communism (the public ownership of the means of production) but differing from communism in giving payment only for work done. Such is the plan of the book. But the actual elaboration of this is not satisfying. Ethics means Herbert Spencer, socialism means a combination of Blatchford and Keir Hardie. No references are given for any passages quoted: and much later and better work both in ethics and in economics is hardly given the place one would expect. For surely Herbert Spencer is easily shown to be deficient, without the principles of ethics being more clear on that account. And a far graver deficiency in Mr. Smith's book is that the principles of ethics are neither stated nor proved. One may gather that he disapproves of certain elements of modern life—but even of these it is not quite clear which he thinks the most important evil. The economic issues we may put aside, although the conception of rent and interest as mediæval usury is a little crude. Ruskin was a good man, but one cannot swallow him whole. It is the ethical issue which needs most criticism. No explanation is given of what Mr. Smith means by "the public," nor why this mysterious entity



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should be endowed with rights: the state is mentioned and so are national guilds. And one gathers that if economic moralism were established all sorts of wonderful things would occur. The social system is to be assisted by an increased mechanism, as it seems; for lecturers are to be heard by electricity in country parts,—a doubtful blessing. But whether or not what Mr. Smith prophesies would follow the destruction of capitalism, so far as this book goes we should still be in the dark as to the ethical principles implied in the arrangement of society.

C. DELISLE BURNS.

London, England.

WELFARE WORK: Employers' Experiments for Improving Working Conditions in Factories. By E. Dorothea Proud. With a Foreword by the Rt. Hon. David Lloyd-George, P.C., M.P. London: G. Bell & Sons, Ltd., 1916. Pp. xx, 363. Price, 7s. 6d. net.

The authoress must be congratulated not only on a thorough and painstaking piece of work, but also on the appearance of her book at the psychological moment. Important as was the subject three years ago when Miss Proud began her investigations into experiments of this kind in Great Britain, it was not generally looked upon as of national concern. No one could have foreseen that the British government would shortly become the greatest employer in the kingdom, and that the question of welfare work would therefore become the immediate concern of every patriotic citizen. The immense importance of munition work in England (which at the moment fills the public eye and absorbs the energies of many hundreds of voluntary workers besides the actual factory workers) together with Mr. Lloyd-George's preface, will secure for the book a wide circulation among those previously ignorant of, or uninterested in, industrial conditions. The necessity for work of the kind usually called "welfare" became more apparent to the lay mind when thousands of women and young persons flocked into arduous labour from patriotic as well as economic motives, with a disregard of long hours, rates of pay, and unfavourable conditions generally which would have been impossible in peacetime.

But *Welfare Work* is far more than the book of the moment. Miss Proud was sent to England by the people of South Australia

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as Spence Scholar in Sociology, and this book records the result of her investigations into the subject she chose. She has served in the welfare department at the Ministry of Munitions since its foundation, and Mr. Lloyd-George insists strongly on both the importance of the movement and on the value of her work. Her book, he says, bids fair to become the standard work on the subject. The matter is well and methodically arranged, with copious foot notes containing extracts from both American and English authorities, and has an excellent index. There is, however, no bibliography. This would have been a valuable addition.

Miss Proud deals with no fancy pictures of ideal conditions. Nothing is described which is not attempted in at least one factory. Welfare work is defined as "Voluntary efforts on the part of employers to improve, within the existing industrial system, the conditions of employment within their own factories." She analyses the position and attitude of the employers and the ideals of the workers, and sees that a large part of the social problem is now being attacked through industry. There are chapters dealing with the many developments of the work, on wages, housing, hours, mental development, together with every "aid to welfare" that could add to the mental and physical wellbeing of industrial workers, such as baths, food, recreation, etc. Much of it implies rather the removal of unfavourable conditions than the gift of specially favourable conditions, and is a serious reflection upon existing standards. The rise in human values has indeed been very slow. There is nothing new about welfare work; it dates from the days of Robert Owen. As factory legislation was asked for by the masters themselves, so individual employers still perform the function of pioneers of progress; and the successful experiment of one is copied by others.

Miss Proud understands that welfare work does not solve all problems; it can be but an amelioration of conditions. There is the national as opposed to the individual point of view, and can it be to the national interest that from rag-picking to prostitution, individuals still earn a livelihood in ways prejudicial to the life of the nation?

Perhaps the real importance of welfare work lies in the fact that it "emphasizes the common human interests of all . . . permits and encourages the workers' attempts at self-help . . .

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emphasizes personality, but merges individual interests in the common interest of all. Public spirit in its simplest form is developed."

Together with Mr. Lloyd-George we warmly commend this book to employers, factory superintendents, and to all members of the general public interested in the future and well being of their respective countries.

G. K. S.

ELEMENTS OF FOLK PSYCHOLOGY. Outlines of a Psychologica History of the Development of Mankind. By Wilhelm Wundt. Authorized translation by E. L. Schaub, Ph.D., Professor of Philosophy in Northwestern University. London: George Allen & Unwin, Ltd.; New York: The Macmillan Company, 1916. Pp. xxiv, 532. Price, 15s. net.

This book of Wundt's will probably remain as a classic of its kind. One thinks of Wundt as one of a half-dozen or so of the founders of modern psychology; and this is as much the case in *Völkerpsychologie* as in individual psychology. But a book which can be thought of dispassionately as a classic almost upon its appearance—the German edition is of 1912—is already, in a sense, out of date. And Wundt's book really marks the end, rather than the beginning, of an epoch; his Folk Psychology is too near to philosophy, to the philosophy of history, to be valued apart from Wundt. Undoubtedly he has made great and permanent contributions to the science of language, to the study of myths, and to the study of the primitive mind. But the present volume, in which there is far less detailed examination, but a more synoptic view than in the three-volume work—this book defines the limits of the Folk Psychology much more clearly than did its predecessor.

It is Wundt's philosophy of history. When he objects to Hegel's "logical schematism" imposed upon history, we feel that in some measure he has been compelled to impose a schematism of his own. He defines his purpose as to understand in regard to mankind "not merely the genesis of the particular organs (of society) but primarily their co-operation and the correlation of their functions"; and also "in addition to the problem of the relations of the separate functions to one another . . . we must . . . face also the broader question as

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to whether or not mental development is at all subject to law." Wundt divides the stages of culture into four: (1) primitive, including prehistoric man and Bushmen, Negritos and Veddahs; (2) totemic, including two very different groups, the Australians and the Iroquois, and on its indefinite borders the Polynesian; (3) what he calls the "age of heroes and gods," the beginnings of ballad and epic; (4) the "development to humanity," fostered by world empires and world religions. It will be observed that this method of division is partly one of stages of culture and partly one of periods of time, which tends to cast suspicion upon its scientific value; and further that the scheme involves a philosophic teleology. "A philosophy of history," Wundt says, "cannot dispense with principles that are in a certain sense external to history itself. Yet the function of such a philosophy would appear to consist in considering historical life from the point of view of the purposes that come to realisation within it, and of the values that are created on the various levels of historical culture. Such a teleology of history . . . must be preceded by a causal investigation, which begins, here as elsewhere, by entirely ignoring purposes and values. . . . The direct approach to a philosophy of history which aims, not to acquire a knowledge of reality from *a priori* concepts but conversely, to derive ideas from reality, is a *psychological account of the development of mankind.*"

But even Hegel would hardly be accused of *acquiring* "a knowledge of reality from *a priori* concepts"; he pretended to find these concepts in history. And is Wundt's concept of humanity any less *a priori?* If the concept is to be of value in folk-psychology it must be heuristic, and so far we fail to see that it has justified itself. What, exactly, are the permanent factors which permit us to regard the "development to humanity" as the thread to string our historical and geographical account of man upon? For Wundt, the conception of humanity appears to be in reality only a way of rounding up the various societies which he discusses. In the earlier sections, we find consideration of the social and religious organisation, marriage, art, music, the development of forms. But we do not find any connected "psychological" account of the development of man. The first part of the work is descriptive anthropology, the last part is philosophy of history. We find nothing of the influence of the sexual instinct, for instance, upon religion and myth. Mysti-

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cism is not even included in the index. The treatment of primitive art quite neglects its æsthetic value. We cannot here attempt to criticise the particular theories—*e.g.*, the origin of totemism—set forth. But why, among much matter about religious cults, is there so little about religious feelings? It is with the external features of development that Wundt is concerned. We think furthermore that progress in this science will be found in a less ambitious synthesis, and will be closely dependent upon advance in individual psychology, such as that of psycho-analysis.

T. Stearns Eliot.

London, England.

Indian Thought Past and Present. By R. W. Frazer. London: T. Fisher Unwin, Ltd., 1915. Illustrated. Pp. 339.

Mr. Frazer, who is already well-known as a competent writer on India and things Indian by his *Literary History of India*, interprets his subject widely enough to enable him to include reflections on the social customs of the country and a long chapter on the position of women in India. His purpose is to give to Western readers some account of the semi-philosophical discussions and ideas which have gone to form the Indian mind, and the fact that he has had in view the requirements of general readers rather than those of specialists no doubt explains certain characteristics of the volume which would otherwise rather detract from its value. The most unfortunate of these is his persistent trick of quoting other people, some of whom are unhappily much less competent than he himself is; and the result is not merely to interrupt the continuity of the discussion, but to produce a bewildering sense of patchwork. In the case of recent writers, for example, we have some strange juxtapositions, and the references to classical Western philosophers like Kant and Spinoza are almost always unhappy.

Part of the explanation may also be found in a natural desire to illustrate India by Occidental thought, in spite of the startling difference between the two. Indeed, the impression produced by a perusal of the volume is that nothing whatever is to be gained by such a method, except possibly in the case of the very earliest of the pre-Socratics. As good an example as any other is Mr. Frazer's discussion of the transition from the cosmogony—

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for it is no more—of the Vēdās to the semi-philosophical discussions of the Upanishads. In the latter there is no appreciation of any problem except that of framing an account of the universe which will be in harmony with some end adopted to satisfy religious or ethical cravings. The Vēdānta philosophy is in little better case. Even modern Brahmanism may be regarded as resting on the doctrines first put forward by Sānkeva, who shows the influence of mere mythology so strongly as to look on Māyā, the "cosmic ignorance" which produces illusions of change and birth and production, as a *feminine* abstract principle. The fact is that it is impossible to trace at any point in the whole course of Indian thought the emergence of a genuine scientific interest. It is in this, and not in any obscure and uncertain influence of one or the other, that the comparison of it with Greek philosophy proves really helpful. In spite of the presence of pre-scientific religious conceptions at the first stages of Greek thought, it is impossible to deny that exceedingly early there begins also the scientific tradition, and that this must be connected, not with the mere endeavour to observe facts, but with the growth of mathematics. The almost complete absence of this[1] from India is singularly instructive, especially when, with the example of Plato before us, we recognise that the existence of the mystical tendency is by itself as far as possible from preventing the development of mathematical theory. The difference between Greek and Indian atomism strengthens the conviction of the utterly unscientific character of the Indian mind. The Vais'-ēshika and Nyāya systems try to build up the universe from atoms *at rest*, no rational ground whatever being given for the assumption: and they are possibly intended to fulfil an ethical purpose, the release of the soul, and to this all else is subordinated.

As the main idea of Mr. Frazer's work seems to be the contrast between Brahmanism and Buddhism, he devotes a long chapter to the latter, and several to the development of the Vēdānta. The systematic discussion of the doctrines of Sānkara seems the most satisfactory part of the book, and the contrast drawn between his position and that of Buddha is quite felicitous. In view of some recent elements in English philosophy, Mr. Frazer's appreciation of the way in which Brahmanism oscillates between

[1] Even by the time of Bhaskara (twelfth century) when the main outlines of Indian philosophy had been developed, there is practically nothing mathematical beyond certain rules of calculation.

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a theism and a pantheism is interesting; so also are the shifts to which Sānkara is put to reconcile the higher and the lower sorts of knowledge. On the one hand he tells us that "the whole of phenomenal existence is considered as true so long as the knowledge of Brahman being the self of all has not arisen." But on the other, when the soul has gained its end, it possesses knowledge of the Oneness of all things: there is no reality in the world of appearances: it is a knowledge in which there is no knower and nothing to know. These paradoxes have no terrors for Sānkara; was it not written in the Upanishads that when true knowledge arises, "then is a father not a father, the world not world, the gods not gods, the Vēdās not Vēdās"?

The conflict between Brahmanism and Buddhism is a great part of the religious history of India, and in his chapter on Buddhism Mr. Frazer gives a brief but clear account of its main ideas. He succeeds in avoiding the common suggestion of most books on the subject that the Buddhist end was of a really primitive sort. Whatever he made of the later development, it must be realised that the early Buddhist was extraordinarily exultant and optimistic. The Arahatship, the condition of the just man made perfect, was a consummation to be attained in this life, not a state to be entered on after death. It is not surprising that such a doctrine with its freedom from the trammels of caste should attract multitudes all over India, and that the Brahmans should strive vigorously against it. The causes of its decay were complicated, and some of them are obscure: but there is little doubt that the main factors were very mundane: it was a peculiar triumph for the ruling classes.

The chapter on Hinduism, though very interesting, is a curious medley. It is a result of the general plan of the book that the lesser systems get little attention, and there must always be a certain arbitrariness about the selection of topics in so rich a field. Still, I think the treatment of Vishnuite Hinduism suffers from the absence of a connected account of the doctrine of the Bhagavad-Gita and its relation to earlier philosophies, especially to the Sankhya-Yoga system. In spite of the disfavour of official Brahmanism, it seems probable that the form of theism associated with the name of Ramanuja is the type of religion in India at once most defensible and most in harmony with the tendencies of the common people; and it is to the Gita that those enthusiasts have turned who think that the assimilation of

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Oriental wisdom will prevent the threatened religious collapse in the Western World. Again, Jainism gets no more than scattered references. Apart from the intrinsic interest of this curious system, the omission of it together with the decay of Buddhism is apt to produce the impression that all Indian thought rests upon the recognition of the authority of the Vēdās, and thus perpetuates the fallacy, to which Hegel gave definite expression, that "Indian philosophy thus stands within religion just as scholastic philosophy stands within Christian dogmatism."

The last two chapters contain a good deal of valuable but disconnected information on the present condition of Indian life. It is clear that Mr. Frazer is by no means certain of the issue of the conflict of East and West: and he seems in particular to fear the results of the loosening of tradition and the decay of the authority of the Brahman. No intelligent person will deny the gravity of the situation; and there is a certain satisfaction in the recognition by an authority like Mr. Frazer of the lack of foundation of the foolish optimism so often displayed in the matter by romantic people who ought to know better. They may be recommended to the study of Mr. Frazer's book: if it does not succeed in teaching them anything, it will at least convince them that there is a *prima facie* difference between India and the rest of the world.

M. W. Robieson.

Belfast, Ireland.

The German Soul, In its Attitude Towards Ethics and Christianity, The State and War. By Baron Friedrich von Hügel. London: J. M. Dent & Sons, Ltd., 1916. Pp. 223. Price, 2s. 6d. net.

Since the second half year 1914, there have been many attempts to discover the undiscovered country which to so few Englishmen has been a spiritual home. The secret of the dominant outlook of the German nation, the reason why it is what it is, the existence and peculiar character of the German *Real Politik*, the causes near and remote of the present war were expounded by well-equipped, and by less well-equipped publicists. But Baron von Hügel has exceptional claims to a hearing. Having been born of a German father and a Scotch mother, much of his training and culture was German, and most of the recent books that have influenced him, the works of Rohde, Oldenberg,

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Bernhard Duhm, Heinrich Holzmann, Otto von Gierke, Ernst Tröltsch, are German. Thus while his social and political outlook and sympathies have been "thoroughly, consciously, gratefully, English," he starts with the initial advantage of understanding both sides. His two studies of the German mind, reprinted with amplifications from the *Church Quarterly* and *Quest*, are remarkable for their patient sincerity, and wide knowledge of the intellectual development of Germany. In the first part of the book Baron von Hügel gives an analysis of the teaching of two German writers; Friedrich Naumann and Professor Ernst Tröltsch. Naumann is a deeply instructive example of how a deeply Christian spirit finds room for the clear apprehension and defence of a frankly naturalistic statesmanship, a fervent support of Bismarck's policy and temper, and indeed of the big armaments, big fleet and the *Weltpolitik* of the last quarter of a century in Germany. He reaches this strange dual devotion by a dissociation of private from state morality, and we have thus a curious presentment of a "divided, unbridged soul," "a soul half-Christian, half-Pagan, half-love, half-violence." Even more interesting is the attitude of Professor Tröltsch towards personal morality and state morality, as it appears in two articles which appeared in the *Neue Rundschau* in 1916. It is significant that he gave as a general conclusion that "if the historians of the age of Bismarck emphasized state-egoism, they only meant to insist upon the difference between private morality and state morality; they did *not* mean that states in their relation to each other were not subject to any moral law"; and Tröltsch also affirms that inter-state morality requires "not only fidelity and trust, consistency and clearness, the greatest possible measure of honesty and frankness, mutual respect and recognition," but requires also each state to take its place in the system of the great powers of European culture. Baron von Hügel rightly lays stress upon the position attained by Tröltsch, as "costly and substantially true."

In the latter part of the book, the various causes which have combined to produce the curiously uniform modern German are treated. In doing this, Baron von Hügel shows as the chief characteristic of German mentality the passion for intellectual theory, and the final obsession by general ideas, theory and system; and the modifying effect of industrial changes in the nineteenth century, beginning with the invasion from America of an intense individualism at the beginning of the century.

M. J.

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POLITICAL PARTIES. By Robert Michels. Translated from the Italian by E. and C. Paul. London: Jarrold and Sons. Price, 12s. 6d. net.

The central idea of this book is that every group of men tends to produce a smaller "aristocratic" clique of leaders or governors. This is shown to be the case in the most modern political parties, in which the admitted principles are such as are usually called democratic. Evidence is given most fully, and the details are often of the greatest interest. The writer appears to be in closer touch with the German democratic movement than with any other; and in that movement the tendency to segregate "leaders" seems to be most obvious. Interesting and important discussions follow of the contest between old and new leaders and of the production of a bureaucracy. The natural desire to idealise some person or to live in an atmosphere of social myth, along with the effects of modern organization, are studied as causes of the same phenomena. All attempts to restrict the tendency to oligarchy, as the evidence goes to show, are doomed to failure; for a party or group of perfectly equal members could not act effectively. The facts referred to are important and the general thesis is undeniable. In fact Professor Michels has simply given us the scientific proof of a social theory divined by Renan and more recently sketched by Emile Faguet. The danger to political equality is obvious; and there are in the struggle for leadership, many possibilities of corruption, arising chiefly from the infinite gullibility of man if only fine words are used. But Professor Michels appears to think that there is something destructive of democracy in this tendency to elevate the few. We shall not quarrel about words. But democracy should not necessarily mean a dead level in the political or social value of all individuals. For indeed Ritchie said very well that democracy was only an hypothesis that all men are equal, made for discovering who are the best. The sane and progressive production of exceptional political genius and the elevation of that genius to power is essential to true democracy, or at least to that form of organisation in which the political rights of all sane adults are recognised. Unfortunately, even moderately "popular" government is so new in Europe that quite normal and healthy tendencies of public opinion are insufficiently distinguished from the barren enthusiasm of the mob and the infantile admirations of journalists. This criticism, however, must not be held to minimise the value

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of Professor Michels' book. Indeed, it is a book of which the importance lies in the evidence collected and the general truth of its thesis. We criticise its implied conceptions of progressive political organisation only because it is so easy for the obsolete and the obscurantists to shake men's faith in new systems because they are not perfect: and we can foresee exactly the same evidence and the same general thesis being used to support a most sinister reaction.

C. DELISLE BURNS.

London, England.

THE CROWD IN PEACE AND WAR. By Sir Martin Conway. London: Longmans, Green and Company, 1915. Pp. 332. Price, 6s. net.

The instability and the vagaries of the "blind multitude"—the crowd—have from time immemorial served as a mark for the satirist; *quand les hommes s'attroupent leurs oreilles s'allongent.* Sir Martin Conway, the rest of whose works on the fly leaf, ranging from art to Alpine climbing, hardly seem to promise an excursion into crowd psychology—has written an interesting rather than profound study of the crowd and its problems, and his analysis of the behaviour of the crowd, based rather on his own observations than on the researches of psychologists, is singularly fresh.

The crowd has emotions, but no intellect, and must accept or reject opinions *en bloc.* It thinks, if it thinks at all, by "infection." Instead of being Shakespeare's "many-headed beast," it is all heart. Its singularity is its corporate and tyrannical life, which is distinct from the individual life of the units composing it.

The crowd resents individualism. Its business is to change free units into crowd-cells. It resents freedom of speech in any sense opposed to its own views. So the churches (which, as Sir Martin Conway puts it, are like the House of Lords or the village cricket club, but an organised crowd) are and have been intolerant. "In no category of human crowdship is it so easy to start a new group, first as a subdivision of an older crowd, frequently as an independent body. Thus every church is always in fear of innovations; intolerance, therefore, that is to say, hatred of any

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divergence from a settled religious form, is almost a necessary quality in every religious body."

Turning to those who influence crowds, Sir Martin divides them into two classes, crowd-compellers, or in a simpler phase, leaders; and crowd-exponents, or men who are the voice of the crowd. The crowd is not caught by the demagogue as much as the demogogue is caught by the crowd; the latter feels by sympathetic insight and mere sensitiveness of nature (like Mr. Lloyd George) as the crowd feels or is going to feel, "and expresses in clear language the emotion of the dumb organism."

A crowd exponent, as Bagehot wrote of Gladstone, "receives his premises from his audience like a vapour, and pours out his conclusions from them like a flood. He will imbibe from one audience different vapour of premises from that which he will receive from another." Substantially, *The Crowd in Peace and War* is an indictment against unalloyed democracy in which crowd-pressure and the influence of the crowd-exponent are disproportionately strong.

An interesting chapter of the book is that emphasising crowd-pressure; both in its most trivial example, such as the absurd regulations as to details of dress and manner at public schools and colleges, and in its most influential phase, when it is used to form public opinion. A very singular instance of how the German people are hypnotised by their government is quoted from a neutral correspondent writing to the *Times* of May 27, 1915, which is quoted at length. When the writer entered Germany, he believed himself able to take an independent view of the war, and that he was "proof against atmosphere." He frequently found, through the government's shrewd management of the press, and the cumulative effect of constant suggestion, that he gradually seemed to lose his individuality and became merged in the German mass. "It was with a sense of relief, as of the passing of a nightmare," he writes, "that I crossed the border, and found a freer atmosphere and neutral associations in Switzerland."

The author sees the possible cure of war, not in the purely negative anti-nationalism, but in a super-nationalism of the future, the formation of overcrowds that generate good-will and dissipate the instinctive hostility of peoples. This is what M. Léon Bourgeois expressed as an "interior alliance" between the Allies, a common soul "which must survive the terrible crisis in

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which it became conscious of itself. Let us know how to express our will, and in a Europe in which peace has been re-established, . . . the man of to-morrow will be able freely to develop himself in the complete liberty of his opinions and beliefs, in the assured respect of his rights and in the fulfilment of his duties."

M. J.

THE DECLINE OF LIBERTY IN ENGLAND. By E. S. P. Haynes. London: Grant Richards, Ltd., 1916. Pp. 240. Price, 6s net.

Mr. Haynes, whose work as a scholar and social reformer is well known to readers of the INTERNATIONAL JOURNAL OF ETHICS, takes a strongly national view of the war, and is in internal politics a Conservative of decidedly independent views. This gives additional force to his argument, that "the only effect of the War up to now has been to strengthen the hands of Prussian-minded Britons," and that "great efforts will certainly be made after the war to preserve a number of ordinances which can only be tolerated on the ground of real or alleged necessity." The book is written in order to call attention to this peril, and also to indicate the position and evolution of freedom in the structure of the family and the relations of the sexes. It is written with immense vigor, *verve* and wit. I particularly like the nutshell summaries and exposures of the cruelty and inadequacy of the English marriage and illegitimacy laws—especially in view of the frequent lamentations over the falling birth-rate. The revolutionary importance of birth-control is given due weight and there is an interesting reference to the Sanger case. Christian dogma is shown to be largely responsible for the monstrous treatment of prostitutes, by a society which will neither dispense with their services, nor give them legal security or moral recognition. The essay on "Liberty in Regard to Women" is very sane and fair; and there is a short but temperate and impressive plea for a rational and humane treatment of sexual abnormality. The strong subconscious influence of jealousy is emphasized in the treatment of sexual offenders; this is an excellent point, for it is impossible to forget that sexual scandals have been often used to engineer and confirm the downfall of men who were obnoxious to the English ruling class. The political chapters seem to me less happy: I cannot see how personal liberty and justice between man and man can be permanently secured without popular con-

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trol of the means of production and distribution, and I profoundly mistrust the Roman Catholic movement, ably and plausibly led by Belloc and the Chestertons in the name of "democracy." But Mr. Haynes "shows up" the *débâcle* of both Fabianism and our inherited Party System with unflinching clearness, and consistently defends the right of the poor to a free full life and individuality. He has written a brave, learned, and intellectually stimulating book.

F. W. Stella Browne.

London, England.

The Commonwealth of Nations. An inquiry into the nature of citizenship in the British Empire and into the mutual relations of the several communities thereof. Part I. Edited by L. Curtis. London: Macmillan and Company, Ltd., 1916. Pp. xx, 710. Price, 12s. net.

This work is the result of many writers working together in close collaboration, an examination or *compte rendu* of the problems of Empire, as they are seen by the groups that have sprung up in the United Kingdom, known informally as "Round Table" groups. It supplies, in addition, the foundations upon which the conclusions of the earlier and shorter work, the *Problem of the Commonwealth*, were based. The word Commonwealth is used throughout to express the idea of a government controlled by the public opinion of its citizens, as contrasted with the Eastern theocratic state.

It is not unnatural that when the future of the British Empire was being weighed in the balance men's minds turned to the possibility of its downfall, and to the effects of that downfall. "The disruption of China would seriously affect the rest of the world; but the collapse of the British Empire would be followed by results incalculably greater, and it is no exaggeration to say that it would convulse the whole future of human society." By its union it obviates the risk of war between a quarter of the human race. The problem, therefore, is to keep the Empire stable. But the British Empire, a great international state, presents many problems; its population is distributed amongst some fifty subordinate states in which are represented most of the races and all the gradations of human society "and all these it correlates within the jurisdiction of one permanent state." The imperial

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problem is—to the Round Table groups and to a great and influential body of thinkers,—to extend the burden and control of its supreme functions to every community which is fitted for responsible government. Historically Mr. Curtis shows how the British constitution derives from other constitutions; and the far-reaching effects of the opening of the seas and its effect on East and West; and the progress and principles of English colonization until what he calls the "great schism" when the American States broke away and established a separate commonwealth in America. Perhaps the Empire's important function was to mediate between the East and the West.

After the loss of the American Colonies, a new idea was applied to the problem of the Empire, a distinction between the local and general interest of the communities composing it, and a recognition that the general interests are the concern of all the communities whose interest they affect. As Lord Milner has expressed it, "imperial unity is not a question of shifting burdens, but of discovering new centres of strength. I believe that as the self-governing dominions grow in power, they will feel a stronger desire to share in the responsibilities and the glory of Empire"; the main problem of the *Commonwealth of Nations,* is whether the great international state can continue in its present condition, in which the colonies exercise no voice in the imperial government. If it cannot so continue, is it to be broken up into a number of states, and is it able to develop the structure of a state to fulfil the real conditions of a commonwealth? Has the British Empire, in a word, the vital principle of growth within it? Mr. Curtis's valuable work is important in showing the way to a clear and conscientious treatment of the enigmas of Empire, which it is not merely foolish, but dangerous to treat as if they were novel and apt for summary treatment.

Broadwinsor, England. M. J.

SHORTER NOTICES.

ARISTODEMOCRACY FROM THE GREAT WAR BACK TO MOSES, CHRIST, AND PLATO. An Essay. By Sir Charles Waldstein. London: John Murray, 1916. Pp. xiv, 434. Price, 10s. 6d. net.

In this book Sir Charles Waldstein has given us an admirable study of certain tendencies in social morality. He speaks with authority of the changes he has seen coming over the spirit of nations, especially of Germany; and he says most truly that that immense evil, the present war, is due at least in part to fundamental deficiencies in our civilisation.

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His analysis of those deficiencies is perhaps a little too much affected by distinctions of nationality; but we may forgive this weakness in Sir Charles Waldstein's argument; since, in the main, he is scrupulously fair and he is altogether correct in his ultimate conclusions. It seems obvious, at any rate to us, that what is needed is a clearer moral perception. We must have both a more worthy end to pursue in public policy and a more reasonable emotion in our service of the community. The state cannot be accepted as it stands: it must be moralised. "The lasting degradation, if not total inhibition, of morality, expressed by the commonly accepted saying that 'all is fair in war' is perhaps one of the greatest evils to mankind which war brings in its wake" (p. 263). On the other hand the individual should not be deprived of the power to serve some vaster purpose by the false nationalism and sentimental chauvinism which so often take the place of true patriotism. Such is the argument. The suggested reform is expressed as the ideals of Moses, Christ and Plato. Whether indeed the evil of the present is not due in part to deficiencies in these very ideals is a delicate question not dealt with by Sir Charles Waldstein: and it is too difficult to deal with here. But the book is admirable in its candid idealism and in the great hope which has inspired the author that man may yet save himself, and prove the truest democracy to be a refining of that common humanity in which are all the possibilities of a universal moral aristocracy.

C. Delisle Burns.

London, England.

Epidemics Resulting from Wars. By W. F. Prinzing. Edited by Harold Westergaard. Oxford: The Clarendon Press, 1916. Pp. xii, 340. Price, 7s. 6d. net.

It has been said that a great epidemic has often been the starting point of sanitary reform. And a great war may also prove a drastic cleanser both of the physical and moral health of a nation. In spite of the horrors of war, there are countervailing racial advantages, more especially when wars are not too protracted. Nearly all social and domestic reconstruction is evolved from such crises in the world's history, and as the individual is disciplined by his own painful blunders, so a nation learns through tragic experience how to improve the life of her people.

It need hardly be said that this view is not held by the originators of this scheme of research, although, curiously enough, it is the conclusion which may be drawn after a careful survey of the matter. The work in question was commissioned by the Carnegie Endowment for International Peace with the purpose of investigating the losses sustained by the non-belligerent part of the population in consequence of epidemics caused by wars. The chief periods selected for study are the Thirty Years War; the aftermath of Napoleon's Russian Campaign, and the conclusion of the Franco-German War of 1870–71. There is also a chapter on more recent wars and one on sieges.

The book is of peculiar interest both to the scientist and to students of questions of civic health; the pestilences specially considered are the following: typhus; spotted fever; plague, both bubonic and pneumonic; cholera; dysentery; typhoid fever; smallpox; and scurvy. Other epidemics referred to are leprosy in Europe after the Crusades, and the pandemic outbreak of syphilis about the same period, here said to have been introduced into Germany by the Landsknechte or footsoldier.

It is well to remember that mediæval pestilences were brought from

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one country to another not by war *as* war, but because it was the chief, if not the only cause of intercommunication.

The mortality from typhus fever has been marvellously reduced by modern methods of vigilance and improved sanitation. The statistics of this fever are appalling, but bubonic plague runs it hard. "In the year 1630," to quote Dr. Prinzing, "began in Saxony in the wake of marching troops that deadly pestilence that soon spread to Germany and was chiefly responsible for the enormous loss of human life there in the course of the Thirty Years War." In Silesia the plague raged so furiously that the armies were "almost entirely exterminated and whole communities wiped out."

Here is a picture of how the wounded were cared for at Verdun in 1792. "The sick and wounded lay in numbers upon rotten straw, two or three under one blanket," with the result, of course, that two thirds of the patients died. In the following year, 1793, there was an outbreak of typhus fever at Nantes. "The disease broke out in the prison of Saintes-Claires, where the prisoners were very closely packed together. The total number of deaths in the city and in the prisons was estimated at 10,000." "The disease was so intense at the l'Entrepot prison that twenty-one out of twenty-two sentinels who went on duty there died within a very few days, and almost all the members of the Board of Health, who had the sad courage to go there, fell victims to it." But mark that neither the doctors nor the sentinels deserted the prisoners committed to their charge. This is not the time nor the place to draw a parallel which must be obvious to everyone, but that parallel will not be omitted when the history of the war comes to be written. The ultimate sufferers from these epidemics have always been the inhabitants of those countries where prison camps were allowed to exist under deplorable conditions. It is difficult, but it is not impossible, so to regulate them that the danger, always present where large masses of human beings are herded together, may be averted; and it is clearly to the interest of their captors, quite apart from the higher question of humanity, that this should be done.

V. J.

London.

INTERNATIONAL MORALITY AND EXCHANGE. By Henri Lambert. With an introduction by Lord Courtney of Penrith. Translated from the *Journal des Economistes*. London: George Allen and Unwin, Ltd. Price, 6d. net.

The ideas contained in this pamphlet are those which the *Journal des Economistes* has always favoured, and which are specially associated with its editor, M. Yves Guyot. They take us back to a kind of economic and political thinking which we generally assume to belong to a generation that has long gone by. International peace, the author argues, can only be permanently attained by the observance of the fundamental "natural" moral rules which the universe itself prescribes. These rules are economic: they rest on the great principle of division of labour. Just as within a simple society justice is secured only when each man performs his own function and therefore contributes in the only fashion possible to him to the social good, so each nation must be content with giving to others its own peculiar product and receiving from them in turn what it lacks. Strife arises in either case when we set up artificial barriers of any sort, between class and class or between nation and nation. The cause of wars is the absence of the completest international free trade.

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If this were in existence, no peoples would have any cause to desire or reason to fear conquest.

The real interest of the pamphlet seems to me to lie not in the contribution which the author imagines he makes to the preparations for peace, but in the significant contrast it exhibits with the other theory which bases itself on the assumption that the dominant conditions of social and political life are economic, viz. Marxism. For the latter theory it is the struggle of classes within any nation which leads to international conflict through the search for new markets. And such a conflict is soluble only by a social revolution.

M. W. ROBIESON.

Belfast, Ireland.

THE WAR FOR THE WORLD. By Israel Zangwill. London: William Heinemann, 1916. Pp. viii, 348. Price, 6s. net.

Mr. Zangwill, "happening to be the child of two great civilizations," has collected his experiences (and very vigorous experiences), of the world at war.

If "*The World at War*" is to a great extent a collection of his contributions to journalism since 1914, we are grateful to a journalist who has given his work some of the point and polish of Heine. He is an outspoken critic of European diplomacy and is nervously alarmed at the many inroads into the regions of liberty and the rights of Englishmen that are suspended, but not therefore in jeopardy, during the war. He believes, apparently, in a decline of liberty because *habeas corpus* is gone, and the Defence of the Realm Act made an end of Magna Charta and scrapped whole centuries of our history. "We have neither liberty of the person, nor liberty of the pen, nor liberty of trade." At the same time in every reference to Russian pogroms, and in his chapter on the mirage of "Rosy Russia," he allows himself a very surprising measure of freedom of expression (in spite of the Censor) with regard to an Allied nation.

Seeing things from the Jewish point of view, the most valuable portions of his book are the chapters dealing with the Jewish question, especially in its peculiarly difficult form in Eastern Europe; "The war and the Jews," and "The Jewish factor in the war and the settlement." Other points of interest are his emphasis on the transitory and mutable nature of national sympathies and antipathies (pp. 174–176), and the absurdities of patriotic excesses, such as of the town councillors who removed the name of the German maker from the dial of the parish clock, and of the correspondent who wrote to the *Times* that it would be "exceedingly disagreeable to have the same time here as in Germany" (p. 16). The inherited influence of a race greater in prophecy than any European race has been traced in this book. Mr. Zangwill's prophecies, however, unlike those of the major and minor prophets, have not failed.

M. J.

Broadwinsor, England.

LOVE FOR THE BATTLE TORN PEOPLES. By Jenkin Lloyd Jones, LL.D. Chicago: Unity Publishing Company, 1916. Pp. 166. Price, $.75.

This series of sermon-studies is designed to show the great reasons why we should love the peoples now at war. The author has a wide knowledge of literature and a profound feeling for the great values of history and human life. He has also the gift of expression and the reader will find that Russia and Turkey as well as England, Italy, France, and Germany have their values.

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DEMOCRACY AND PEACE. By James Bissett Pratt, Ph.D. Boston: Richard G. Badger, 1916. Pp. 105. Price, $1.00 net.

Four essays, The Meaning of Democracy, American Idealism, The Idealism of War, and The Hope of Lasting Peace, are included in this little volume. The aim is to analyse such terms as democracy and idealism to show how far war may claim any part in idealism and especially to show fallacies in the arguments of both pacifists and the advocates of preparedness. It is too brief to deal thoroughly with its topics although its general point of view appeals to the judicious.

TOWARDS AN ENDURING PEACE. A Symposium of Peace Proposals and Programs. Compiled by Randolph S. Bourne. With an Introduction by Franklin H. Giddings. American Association for Inter-National Conciliation, 1914–1916.

A very useful compilation of essays and documents, many of which are not easily accessible elsewhere. The essays are grouped under two parts: Part I, Principles of the Settlement, Economic and Political; Part II, Definite Proposals towards a League of Peace. Some of the authors represented are Hobson, Brailsford, Walling, Toynbee, Dickinson, Eliot, Rolland, Eucken, Zimmern, and Addams. An appendix contains specific proposals and programs from a great variety of sources in the United States, Great Britain, Germany, France, Switzerland, and Holland.

ENGLISH INFLUENCE ON THE UNITED STATES. By W. Cunningham. New York: G. P. Putnam's Sons, 1916. Pp. xii, 168. Price, $1.25 net.

These essays, by the author of *British Commerce and Industry*, trace many lines of influence, not merely of the economic and political type which are familiar, but in such interesting social and architectural lines as the plan of the township and later of the town, public and private buildings, and the college course. The final lecture is on the responsibilities of national power and influence.

INDUSTRIAL CONDITIONS IN SPRINGFIELD, ILLINOIS. A Survey by the Committee on Women's Work and the Department of Surveys and Exhibits, Russell Sage Foundation. By Louise C. Odencrantz and Zenas L. Potter. New York: Russell Sage Foundation, 1916. Price, 25 cents.

Such a survey of actual industrial facts in a city of medium size is of great value, not only to those in the community itself who are interested in the individuals concerned, but also to legislators and social workers throughout the state or in other states who are concerned for proper legislation. In such a survey we can judge how existing laws are actually working and what improvements are needed. The main topics are those of physical safety in industy, child labor, wages and regularity of employment, hours of labor, one hundred wage-earners' families, and industrial betterment.

THE HART SCHAFFNER & MARX LABOR AGREEMENT. A Compilation and Codification of the Agreements of 1911, 1913 and 1916 and Decisions Rendered by The Board of Arbitration. By J. E. Williams, Sidney Hillman, and Earl Dean Howard. Chicago, 1916.

The agreement herein set forth, which has been most successful in securing co-operation and good-will, has seemed to Dean Wigmore worthy of

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special notice. "The significant thing is that general principles are beginning to be formulated. And the moment you have general principles, used for deciding particular cases, you have justice in the form of law, as distinguished from the arbitrary justice of a Turkish Caliph, or from private struggle decided by private force. . . . Industrial controversy will become as justiciable as property controversy. And a new field will have been gained for systematic justice."

HEALTH INSURANCE: ITS RELATION TO THE PUBLIC HEALTH. By B. S. Warren and Edgar Sydenstricker. Public Health Bulletin No. 76. Washington, 1916.

A very valuable survey of the need for some better method of dealing with the ill health of wage workers, with summary of the arguments for health insurance as the most feasible method for dealing with the situation.

BRIEF FOR HEALTH INSURANCE. Special Articles, Representative Comment, Select Bibliography. New York: American Association For Labor Legislation, 1916. Price, $1.00.

This, which is the June number of the *American Labor Legislation Review*, is a compilation of facts and arguments making an indispensable manual for those who are studying "the next great step in social legislation." A copy of the tentative draft for an act prepared by the committee of the association is included. Massachusetts and Illinois have already appointed investigating commissions to report this winter. Other states will soon have the issue brought to their attention.

THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING. Tenth Annual Report of the President and Treasurer. New York, 1915.

Part III of this report includes a tabular statement of both industrial and institutional pensions and of teachers' pensions systems, and is therefore worthy of general notice in connection with social programs.

DEMOCRACY OR DESPOTISM. By William Thomas Mills. Berkeley, California, 1916.

A discussion in popular form of democracy in political and industrial spheres. It finds the evils charged to democracy to be due in reality to elements of despotism. In addition to the well-known devices for greater democratic control such as initiative, referendum, short ballot and the like, it finds the great need to be an organization of those employed in the great industrial or occupational groups into self-governing organizations which shall later become the political masters of the state.

SOCIALISM AS THE SOCIOLOGICAL IDEAL. A Broader Basis for Socialism. By Floyd J. Melvin, Ph.D. New York: Sturgis & Company, 1915. Price, $1.00 net.

The discussions of socialism tend to degenerate into controversies about the meaning of the term. In order to clear up this confusion, the author seeks the fundamental basis of the socialistic movement in the general social system rather than in more narrowly economic aspects.

J. H. T.

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THE NATION OF THE FUTURE. A Survey of Hygienic Conditions and Possibilities in School and Home Life. By L. Haden Guest, M. R. C. S., L. R. C. P. London: George Bell & Sons, Ltd., 1916. Pp. 115. Price, 2s. net.

An interesting though brief and sketchy account of school clinics and the medical inspection of school children, testifying to the need of extending and developing this work and to the enormous odds—sheer poverty, juvenile labour, etc.—against which it has to contend. There are some illuminating suggestions: *e.g.*, concerning the neglect of the senses of taste and smell in education, "both might be cultivated, made more definitely discriminative, and refinement made more easy, and life enriched thereby." Also "There is perhaps no school in the world at present where the training of the emotions is understood, or where any special attention is paid to this side of existence." But it is impossible, in reading the double appeal of Dr. Haden Guest's preface, to avoid the conclusion that the efforts of those few who "try to unchain the powers of man, for the sake of life itself—its vigour, its beauty, its expression"—will not for long be compatible with the supply of the greatest possible number of docile, and,—as far as docility permits,—efficient, military and industrial conscripts for imperialism and the economic aggressiveness of the new protection.

F. W. STELLA BROWNE.

London, England.

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THE INTERNATIONAL
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THE INTERNATIONAL IDEA.

MAJOR E. CRAWSHAY-WILLIAMS.

Preface.

I AM writing this on service, in the intervals of military duty, and amid difficulties regarding materials, references, and so on. It may never be finished. One never knows. But despite all disadvantages of time and position the impulse is irresistible to put down even in a crude and general form certain ideas to the peaceful growth of which war has put the ripening touch. The result will be, I know, not any profound or exhaustive study of a great subject; but, at the best, an attempt at suggestion and inspiration. Nevertheless I shall write. One cannot live through this war—at least I cannot—without being filled with a fierce longing for humanity to redeem itself in the future from a state of international barbarism, and with an aching desire to help, if only in the smallest way, in the work of redemption. One cannot stay idle, or without expression;—I cannot. And one is consoled for the presumption of daring publicity by the reflection that the more thoughts—even trite and inadequate thoughts, indifferently expressed—that are put forward tending in the right direction, the more assurance will be given that the right path will be taken.

The time is short and precious. I will waste no more words in preface but get to my task.

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Why then, and for what are we waiting? There are three words to speak: *We will it*, and what is the foeman but the dream-strong wakened and weak.

(William Morris: "Pilgrims of Hope.")

I.

Nationality and Internationality.

Be certain about your goal before you set out for it.

This sounds like, and is, a platitude. But many splendid platitudes live lives that are in the main obscure, neglected, and without effect. This is one of them. With only too many people (as with Stevenson's youth) the great thing is to go. The direction is not so important.

Let us be certain about our goal.

Is internationalism a good thing? If so, absolutely? or with qualifications?

There are, roughly, three aspects of mind towards internationalism. There is the aspect of mind which envisages the nations of the world as individuals—each self-contained and un-blending; each an entity in itself, *teres atque rotundus*. There is the aspect of mind which sees in the collected nationalities only an assemblage of human beings,—of variegated and divers human beings, but of beings essentially the same in nature and potentiality, and making one tremendous whole. The first mind will call the second mind visionary and futile; the second mind will call the first mind narrow and wrong. There is a third aspect of mind, which is an intermediate one. It recognizes nations as individuals, with the first mind; and humanity as a collection of substantially similar mortals, with the second mind; and it can see the intrinsic good in each conception. The result is that it comes to regard the world as an assemblage of individual nations, differing (as is proper and beneficial) in characteristics, but so bound together by mutual needs and inspirations as to necessitate the formation and recognition of a sort of comradeship or association towards common ends.

This type of mind will reason thus about the specific virtues of nationalism and internationalism respectively:

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"I see that a common and unrelieved monotony of bowler-hatted uniformity would be an abomination of desolation. (Not that I believe nature would ever permit of such!) I am quite convinced that variety of manner, custom, tradition, sentiment, and ways of living is as essential and excellent among nations as among individuals. I should deplore that the hard-headed commonsense of the North and the sunny buoyancy of the South should be blent into a colourless (if theoretically perfect) average. I know that the nations should jealously preserve their national traits; their distinctive dress, their peculiar speech, their individual habits of thought. But I am absolutely sure that some co-operation among the nations is desirable, indeed necessary, in the common interests of humanity. And I believe that the advantages of such co-operation can be attained without losing the advantages of independent nationality."

That is how such a type of mind will reason.

It is a question whether one can think too broadly in this matter. It is a question whether nature would not have her way and produce variety however much man tried to produce uniformity. It is a question whether, even though fashion decreed felt hats for all; though law prescribed similar rules for every nation; though coinage, measures, stamps, tariffs, and the materials of life were as far as possible standardized, the seeds of nationality would not still flourish in the new soil. Climate and heredity, the great influencing factors in nationality, would still hold their sway. The sun and story of Spain would still ensure a race of hot-blooded men and amorous women; the hills and history of Wales would still send forth their strange, melancholy dreamers; the soft skies and hard persecutions of Ireland would still make the Irish a race of poets and rebels. Even travel and inter-marriage, even cars that covered a hundred miles an hour, trains that took men five thousand miles a day, or flying machines that circled the world in a week, would not be potent to undo nature's forces.

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But it is no question at all that it is possible to think too narrowly in this matter. Shortness of vision, insularity, international ignorance, call it what you will, lies at the root of international evil. Nor does nature help here. Nature can keep a man a Scotchman wherever he goes, but nature cannot make him travel. Nature can salt an English family with the Irish flavour by three generations' residence in Ireland; but nature will not take the family to Ireland. Nature, in a word, can take care of nationality; but it cannot take care of internationality. That is man's work. And a work he can pursue, at all events for the present, and probably for all time, with no qualms lest he go too far. For he can accomplish the good, that is certain; but it is doubtful whether nature will let him accomplish any ill. Be that as it eventually may, there is a vast area of undebatable ground ahead in the work of promoting internationalism. So far as we can see into the future our goal is purely good; the international idea can be freely and vigourously pursued.

How? How far? Those are matters of practicability; and it is from theory to practice that we can, and must, now proceed.

Let it be granted, then, that the conception of nationality and internationality which we have endorsed is, so to speak, a system of humanity in which the simple figure representing each nation is resolved into a numerator of nationality standing over a common denominator of internationality. Our task is to determine that common denominator, and to decide how it is to be attained.

Now the scope of this common denominator of internationality, the matter in which the nations shall have a common understanding, will be the subject of what I have to write after this. Suffice it to say that there is undoubtedly a number of matters in which it would pay the nations to come to some common agreement.

As to methods, there we come to a wide and difficult subject. Matters of machinery will be gone into later, and the way of treating various problems will be best dealt with

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as those problems arise. But on the general subject of how to get mankind to go forward at all, there is a word to be said. Briefly, we must get men to conceive of the international idea; to think more internationally. There are two great civilizing influences in this direction; travel and education. By travel a man loses (unless he be exceptionally stupid) much of his narrow insularity. By education he can be drawn towards broader and more generous ideals of human life. If we are to succeed in our task of attaining a larger internationalization of the world, we must use these tools that lie to our hand. Travel must be promoted and facilitated. Even the poor man must be able to appreciate the life of foreign nations. (In this direction the war will have done much.) And we must educate. That is at once easier and more difficult. Easier, because we can educate at once, and at home, and without new machinery. We have the apparatus, we have only to use it well. More difficult, because we have to convert and inspire the directors of our educational policy (and other nations have to convert and inspire theirs) before we can do anything. Moreover, more is implicated by "education" than the grounding of the young in general principles or in such particular practical details of international subjects as can form the material for international instruction to-day, or may be recommended in later articles. Much can be done that way. The young mind may be given an international bent; it may be equipped linguistically, socially, and materially to avail itself of the advantages of internationalism. But we must also proselytize among the men and women of to-day. Their minds must also turn in the direction of internationalism. Therefore the great need is that there should be earnest and energetic apostles of internationalism. Let us cry the truth, and it shall then prevail.

There are great practical problems ahead of constructive minds in this matter of internationalism. Let us by all means discuss and elucidate them. Let us prepare the way. But the first great thing is to get mankind to think more internationally.

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II.

War and Law.

I suppose nobody save a fanatic would deny that it would be a good thing if the nations settled their differences by some sort of peaceful arbitration instead of by war. The manifest futility of the argument of brute force as opposed to that of reason and justice; the patent horrors of carnage and mutilation; the crushing financial burdens and the appalling material waste, entailed by an appeal to arms, —in a word the calamitous folly of the whole business,— must outweigh anything that could be advanced in favour of militarism as a training school of courage and health, and so on. No; the serious man's misgivings as to schemes of international arbitration are not of a theoretic but of a practical nature. "It's all right," he says, "but it can't be done."

Well, it can be done. It could be done to-morrow.

Of this subject above all others it is true that:

> ". . . There are three words to speak:
> *We will it*, and what is the foeman but the dream-strong wakened and weak."

Two things indeed, both immediately attainable, are needed in order to substitute law for war among the nations: faith and work. Faith to inspire clear-sighted confidence in the practicability of the task; work to carry it out.

This is not all a dream; it is hard fact. To believe in it one need not be a visionary indulging in hopes of a human nature free from sin and malice and filled with brotherly love; one need not preach the abandonment of force and the substitution of a gentle reasonableness. One can be, and must be, a hard-headed and intelligent human being, basing his schemes and theories simply on the facts of life. But one must have faith. And one must work.

Faith does not mean blind faith. The true faith sees very clearly. In fact it is itself a kind of clearness of vision, induced by throwing off prejudice, timidity, and distrust. And our first task must be to strip our subject of all false,

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visionary, and immaterial encumbrances. First as to force. One must have no dreams or illusions about force. Force is the ultimate argument of humanity. It is—at present at all events—the sanction of law. Behind the law must be force; where would laws be without the police? But force must be properly applied. It must be, not individual and capricious force, but co-operative and reasonable force. When the world is truly civilized it will still employ force; but it will be force behind the law, not obscuring it.

Here is the kernel and crux of the whole matter. How are we to, not do away with force, but ensure its application in its proper capacity? In the old days individual barons and chieftains, collecting armed men, were able to impose their arbitrary will on their neighbours. With the broadening of civilization these exhibitions of individual and capricious force were rendered impossible and useless, and the common will, supported by centralized and co-operative force reigned supreme. More than this, directly the new régime superseded the old, it became unprofitable and useless, as well as lawless, for individuals to sustain their private armaments. These armaments therefore disappeared. How can this process be made to take place internationally, as it has taken place nationally?

There is no impossibility about it. It is possible to have a community of nations "keeping the peace"; punishing and preventing infractions of the peace; having at their disposal for these purposes sufficient force to take the matter in time and suppress attempts to supplant an appeal to the tribunals by individual violence;—in fact, it is possible to put an end to international rowdyism. Make no mistake; it is possible; and it will be done sooner or later. Why not sooner? Most important perhaps of all, the substitution of law *plus* co-operative force for anarchy *plus* individual force will mean the passing away of the need or use of great national armaments. It will be as foolish to have a huge standing army in any state as it would be to carry a revolver in Piccadilly.

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Now all this can be done, and can be done just as soon as a sufficient number of persons realize that it can be done.

Three things are necessary:

(1) Laws.

(2) A tribunal.

(3) The sanction, or force, behind.

The laws are not the chief difficulty. The difficulty is to prevent their being disobeyed. Even if they are not perfect laws, it is better to have indifferent laws than anarchy. The law is notoriously a "hass," but he is better than a raging lion.

Most of this also applies to the tribunal. Granted that we cannot obtain an assembly of supermen, we can yet obtain a body of well-meaning persons who will say something. The great thing is to see that what they say "goes." County court judges are not Solomons, but their judgments are carried out—without rioting.

Moreover, it is very important to remember that such an international tribunal need not be a Parliament of Man or Federation of the World; it need have scarcely any deliberative or executive functions. It need have only two essentially simple duties; first, to register the agreements made between nations, and secondly to see that in case of discord, recourse is had to arbitration, and the world's peace is kept. A third duty might, and would naturally in the end, fall to the share of this tribunal—to decide on the particular cases of dispute which might arise. But at first it might be best to reserve this duty for *ad hoc* courts, composed of members who should be (as in cases of trade disputes) agreed upon by both sides. The great thing is, to keep the peace; to see that arbitration and not war is appealed to;—even, to gain time. Most wars would never occur if nations had to wait a week or two before they plunged into them.

There should be no question not referable to arbitration. "Honour" has been found to be an insufficient reason for individuals killing one another irrationally; it should be an insufficient reason for nations killing one another irrationally.

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And, as in the case of national law, "breaking the peace" should be enough to bring in the police. "No rowdyism! Come and settle it in court." Whether "carrying arms" (internationally) should be prevented, or whether, as in civilized places, it would fall into disuse through the growth of a sense of lawfulness, and a recognition of the futility of doing so, is a point which need not now concern us. But, as to "breaking the peace"; mobilization of any kind could be held to constitute this. War should be nipped in the bud.

How?

Now we come to the crux and kernel of the whole;—the sanction of the international will;—the force behind the tribunal. This is where the risk of a collapse of our scheme occurs; this is where the schemes of many well-intentioned persons do collapse. But schemes need not collapse here.

What is our problem? It is to place behind the will-of-nations-to-prevent-war a sufficient force to carry that will into operation. It is this force that is the chief point, the laws and the tribunal are much less material—shadowy things, merely representing in some sort of concrete form that will-of-nations-to-have-the-peace-kept—organizing and distributing machinery for the force. The force is the thing.

In order to get at the nature and form of this force let us presume a world agreed to prevent war; agreed that if treaties are to be kept and the peace maintained some kind of force must be present behind "scraps of paper" and pious resolutions; agreed that to organize and dispose that force some centralized machinery is necessary—no, we will not yet presume that last point; let us presume they jib at any kind of centralized executive and see how we get on. Because a very common and influentially-supported scheme to employ force in the interests of international peace, is through a league of peace whereby certain nations—or all nations—agree to take steps, without any centralized management, acting simply in concert, to stop war breaking out.

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Now heaven forbid that one should do or say anything to check the nations in even the smallest advance down the road to a truer civilization! And a league of peace would be a step forward, a large step forward; perhaps, even, a decisive step forward. But I, at least, do not think it will ultimately be found to meet the case completely, and I think there will be found two inherent defects in the scheme. These two defects are liability to intrigue and lack of plans.

Suppose in order to stop the probability of rioting in the case of trade disputes you were to say: "We will not have any actual police; but the masters shall train one body of men, the men another, who shall prevent rioting if feeling runs high over a dispute." Supposing, even, you said (let us say in the coal industry): "There will also be trained bodies of men belonging to the railways, the cotton industry, the engineering trade, and so on, to all of whom will fall the duty of helping to insure peace." Would you rely on it that there would be peace? Would you not expect that, when the emergency arose, each of these bodies would have private sympathies, and that it would, in practice, be found impossible to quell the one trouble without starting a greater?

Would it not be so among the nations? You cannot expect national prejudice, national antipathy, national hate or love, to disappear at the blast of a trumpet.

Then as to lack of plans. If there be no centralized machinery, how are eventualities to be prepared for? Is the League of Peace to have one plan to deal with Germany, another with England, another with Italy, and so on? Then it virtually does become a central body—a hampered and clumsy one, it is true, but a central body with deliberative and executive functions. If no such plans are to be made, you will find the nations falling into the old cliques and associations to protect their own interests —to prevent war against *themselves*, and things will be much as they were.

No; we want a centralized body, however shadowy and limited in scope, to organize and dispose the force which is

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to keep the world-peace. And, instead of a league of individual nations, as it were red and green and blue and white in their national temper and proclivities, we want a truly international force, homogeneous, impartial—an even and sober grey; like the police. A policeman may have been a collier or a shopkeeper or a landlord (of a public-house, not of an estate) or anything else; but once he has put on his uniform he is a policeman. And at any rate there are so many more policemen around him who have been something else than he has been that it is little use his showing his personal prejudice, if he has any.

What is possible in national life in this matter is possible in international life. It is only a matter of seeing it is possible. I will give a practical illustration—very briefly.

Say I command a battery. To-day my officers and men are all English. I am in France—or India—or Egypt. I am there on England's behalf. Why should my officers and men not be of mixed nationality? Why should not I have a Russian captain; one French, one Austrian, one American lieutenant? The men, similarly. (Language you will say?—we will come to that later, in the next section. Suffice it to say; that difficulty can be removed.) Why should not we be here in an international, not a national, interest; to see the peace is kept?—to police the place. Why should not there be, scattered throughout the world—on land, on sea—other units, like my own, sent there to see order is kept? Why should there not be plans made to cope with any situation of violence; to take it in time and suppress it? Why should there not be a great international force, manned and officered by all nations? It would be a splendid and fascinating force to which to belong. Naturally one would not be called upon to police (or to serve against) one's own land. One would travel. One would mix with diverse men of many nations. One would be taking part in the greatest work of mankind. It would be the Premier Service of the world.

And it would abolish war. It would render armaments (except, perhaps, for domestic police purposes) useless and

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unnecessary. The world would be ruled by law—*and* force; by law with force behind it;—not by a utopian spirit of law abidingness; but by law and the police.

There is no impossibility in all this. It could be brought about to-morrow, if the world (or even a large part of it) were only to speak those three magic words: *We will it.*

III.

An International Language.

I remember when I was in Moscow about twelve years ago meeting some delightful young Russian students of my own age. We foregathered in the garden of the *pension* in which I was staying; we came together at dances; we even went mild excursions together. They knew a little German and somewhat less French; I knew a little French and somewhat less German. And once one of them voiced what we all felt.

"If only we could get over this clumsy difficulty of speech," he said, "how good it would be. Our thoughts are all there, in our heads; but I cannot give you my thoughts properly; nor can you give yours to me. O! that we could! We should be even better friends. We should understand one another better."

That young Russian was dealing with one of the prime obstacles to internationalism,—or at all events to that international thinking and frame of mind which is so essential to any international progress. To most men the language, literature, expression, and thought, of any other nation but their own is either a sealed book, or a book in which they can catch only a hazy and imperfect understanding—often only a misunderstanding—of the general sense. How can the nations be full friends, true friends, with this gulf of uncomprehension between them? How could even a man and his wife be full and true friends if they had to communicate by broken sentences—nods and signs—gestures? Translations and interpreters do something, it is true; but not very much. Imagine the man and wife—and an interpreter! No; the only solution for the

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nations (as for the man and wife) must be a tolerable and working knowledge of some one tongue. With this, international amity, understanding, and peace, would be a vast stride nearer full realization. The nations would be able to get directly in touch, instead of relying on second-hand means of inter-communication. There would be one common method of expression, into which anyone could slip when he wished to make himself universally intelligible —if there were an international language.

There could be an international language, universally understood, in a generation. Universally understood;—sporadically it would be understood much sooner. At once, from the day it was initiated, it would begin to spread its filaments in amongst the dense mass of international ignorance. But in a generation it would be competently understood by a majority of all nations, and would be currently used for a multitude of subjects. A generation is a long time, it may be said. Not to ensure international understanding for ever afterwards.

The international language of which I am thinking would not be any *ad hoc* language. I should like to be very careful not to tread on the corns of Esperantists and other special-linguists; but I confess I see grave disadvantages and difficulties in trying to make universal any *ad hoc* language. In the first place, everyone has to learn such a language. Even the teachers have to learn it. Next, such languages have no history, tradition or literature. Lastly, they have something of the air of patent medicines; they are a specific—a fad. Or at least, so they inevitably seem to a large majority.

What then?

Well, if we are not to have some *ad hoc* universal language, one of the existing languages must be made the universal language. And obviously it cannot become the only, the world, language. It must stand in every country side by side with that country's language. It must be taught compulsorily in the schools; it must be made the medium for all international dealings, and even national

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proclamations, laws, and so on, should be published parallel in the native and the international language. Newspapers would all of them have columns or pages in the international language. And wherever any foreigner was present, the international language would be talked.

This is no dream, no impossibility, this vision of a world of bi-lingual nations. Go to Wales, you will find how simple it is to teach a child to be bi-lingual. And it is no hindrance, but a help, to the general intelligence of the child to have a bi-lingual education. Think, too, of the increased pleasure and interest in life that is opened out to the bi-lingual child. Two literatures, the newspapers and gossip and friendships of two nations; nay, of all nations. It is little exaggeration to say that a thorough bi-lingual education could add fifty per cent to the possibilities of happiness for an intelligent child.

Which would be the international language? and how would it be instituted?

To take the first question by itself; after it had been decided in principle by a congress of nations to adopt a secondary, or international, language in all those nations, a council of linguistic and educational experts could be assembled and charged with the task of deciding which (after their own tongue, of course!) was the most suitable language to be adopted. Facility of pronunciation, simplicity of grammar, and other such points would decide the question in the main. One language would be chosen as the world-wide means of communication.

Then would come the business of making the chosen language universal. It would be a long and at first a laborious task. Many grown people would, no doubt, at once gladly start, and soon accomplish, a thorough study of the selected tongue. But the main work, the decisive work, would have to be done by the states. Teachers would have to be obtained, as far as possible, from the native country of the universal language. The state schools would not only teach the language, but they would soon teach (for part of the time) *in* the language. During

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certain hours conversation would be in only the universal tongue. As far as possible all education and school life would be bi-lingual. Quite a different matter from the "French hour" or "German hour" of to-day. And none of this time would be wasted. Nor would the task be so difficult as would appear. Remember, it is the child we are taking. A baby can learn two languages almost as easily as one.

And when these babies grew up, the world would be of one tongue. There would be no bar to business, to friendship, to communion of ideas. We should be all able to speak together. Man would have defeated nature. We should be back beyond Babel!

IV.

Standardization.

Wherever a traveller goes to a fresh country he meets with, roughly, the same materials of life, but a different method of dealing with them. He finds money—gold, silver, copper, nickel; but coins of different values from those in his own land. He finds rice and corn and sugar; but a different scale of weighing them. He finds a postage system; but different stamps; crimes; but different laws; in a word, the working parts of life are to a different measure from those he has known.

Now, here, as elsewhere in this question of nationality and internationality, a dead level of similarity would be an evil. Over-standardization in nations would be as cramping and blighting as it would be, say, in the motor trade, where scope for individual taste and initiative must be duly blended with a certain useful amount of interchangeability. It would be a crime, even if it were a possibility, to condemn all nations, say, to our own coinage or stamps. Even did we get the best (to the general mind), it would be wrong to compel a minority to adopt it. The whims of man must be respected—where they are not actually harmful.

But between this nightmare of universality and the present utter absence of any standardization or reciprocity,

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there is a mean. Much could be done towards facilitating the intercourse of nations by a judicious *rapprochement*, a politic surrender of prejudice on the part of those the basis of whose system was clearly inferior to that of their neighbours. Reciprocity or harmonization, where standardization was impracticable, would smooth many difficulties away. If one nation cannot have, say, the same laws as another, it can at all events avoid such a clash as must inflict injustice (as is the case at present in divorce law). Even if different coins are used, they can be divided in similar proportions, and, subject to fluctuation of credit, possess a clear relative value.

And here we come to perhaps the chief point where reform is possible, and where we are the ones to bring it about. Almost all other nations have adopted the decimal system in coinage, weights, measures, etc. It is clearly the best and simplest system, and were we in possession of such a system and another nation had ours, no objurgation would be too great for us to pour upon the offender's head. No doubt there are technical difficulties in the way of the change. There are always technical difficulties in the way of any change. There were insurmountable technical difficulties in the way of the Daylight Saving Bill. Yet, as in that case, when it comes to the point, technical difficulties need not stand in the way of a real reform. And were we to adopt the decimal system so far as it can be applied, we might, doubtless, suffer some temporary inconvenience; but we should confer a lasting benefit on, not only foreign nations, but on our future generations.

Into details as to the standardizing, or harmonizing, of coinage, weights, measures, postage and so on it is not possible here to go. But, generally, there might be, if not identity, some simple ratio in these between the nations of the world. A universal postage stamp might take its place beside the national stamps. Coins might be internationally valid without the present difficulties of changing—instances are plentiful already of various currencies being valid at the same time in the same place, and this could be

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extended. Briefly, the citizen of one state could pay a visit to another without having, in many matters at all events, to learn a new system and assume a new equipment. All this would make considerably for international convenience, prosperity, and amity.

These questions, and deeper ones, such as similarity or reciprocity in laws and even perhaps in commercial matters, might be worked out by international committees for submission to their respective parliaments. What is certain is that any effort towards standardization would have a large field to work on and, in the end, a fruitful result.

V.

An International Party.

Some objects suitable for international treatment have now been suggested. It remains to discuss what better means than those at present existing can be devised to hasten and facilitate action. International committees, *ad hoc* conferences, excellent-minded Hague tribunals, are all very well; but what we want is practical results. To ensure these an increased internationality of thinking is a powerful factor; it will demand to see something done. But there must also be the machinery, the material means. And any sublime ideas of a Parliament of Man are, at present at all events, too altruistic and visionary. We must proceed by smaller and more practicable steps.

Now, one most desirable element in the campaign for the international idea is a great leader. He is a matter for fate and for opportunity. It is to be hoped that he will show himself. He will find much of the world ready to acclaim him.

But, given the leader, or a number of earnest and vigorous leaders, more is wanted. The leader, or leaders, must not waste their energies on a vague mass of thought; on unco-ordinated and impotent humanity. There must be a machine for them to direct. There are, of course, the existing national machines, and through them in the end

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definite action must come. But still more is necessary. A complementary means to the leader and the national assembly is the establishment of international politics as a live and potent force. This would be the tool with which the new leader could effect his purposes. For just as we must labour under no illusions as to international peace being attainable by treaties or understandings or pledges, without force behind to see them kept, so we must labour under no illusions that effect can be produced in the sphere of international affairs by any less material means than in that of national affairs. Academic aspirations and conferences will produce little; the brute force of the vote can produce much.

Now, statesmen may discard the idea of any present form of international control; the average man may call him who believes it is bound to come a vain dreamer; but no one can prevent those in every country who desire a step forward towards internationality organizing themselves into a body, with all adequate machinery to make their ideas known and their force felt. The period immediately following the war would obviously be the most propitious for starting such a party of Internationalists; and it is possible—nay, probable—that such a movement, then initiated, would have powerful and lasting effects.

The Internationalists need not be, and must not be, an assemblage of academic idealists. They must have a reasonable and practical programme, and all the proper means of pushing it. They must make their pressure felt in the orthodox manner, through the polling booth. They must be a super-party; covering and permeating all parties everywhere.

The objection will at once be raised that the Internationalists would be doomed to failure because their success would never be more than partial, *i.e.*, they would succeed in one country and fail in another, and so their international ideal would automatically be destroyed. For instance, say some scheme of international limitation of armaments, promoted by the Internationalists, were

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endorsed by a majority of the members of the House of Commons, but not by a majority of the members of the Reichstag—where would internationalism be then? And who would care to pledge himself to support disarmament, without first knowing whether the rest of the world would do likewise?

The answer to this is that a condition qualifying the international programme should be its international acceptance—either absolutely, or over a certain minimum and effective number of states. This might postpone success—or it might accelerate it.

Suppose a candidate for the Reichstag were to be asked: "Are you in favour of such and such a scheme of limitation of armaments *provided that the rest of the world agrees to the same?*"—would he not be more likely to subscribe to it, than to an unqualified declaration in favour of the same scheme? Similarly, in all countries. And the result might be—if such schemes were kept sane and practical—that one fine day we should look round and find that a majority in the requisite number of states had been obtained in favour of a definite scheme. The "*We will it*" of William Morris would have been spoken, and "the foeman" would verily be "the dream-strong, wakened and weak."

This illustration serves to show that the Internationalists would be a party working behind, or rather, perhaps, independently of all other parties and party organizations. They would appeal direct to the people, and their results would indeed be the voice of the people unqualified by the trammels of national party interests, titles, rewards and so on.

The Internationalists though working independently of, and so to speak across, ordinary party interests and programmes, would probably have in the main to speak and act through the ordinary party candidates and members in every state. In some places where internationalism was strong, and particularly where some system of proportional representation was in force, they could get directly-elected members (though the advisability or need of these may be

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questioned, except for the purpose of initiating legislation, and alertly guarding the international interest). But there could be, and would need to be, no international Government or executive; not even a large number of Internationalist members in Parliament—only an organization and a programme. For the rest, there would be the national assemblies; the old parties. There need be no waiting.

What would be wanted would be:

(1) Organization.

(2) Men of ability.

(3) Money.

These, joined to inspiration and hard work could soon produce an international body of opinion whose weight would be felt in all the council chambers of the world.

This is no place to go into details, which could fill pages;—details as to programmes; places and times and methods of meetings; modes of propaganda; enterprises, such as a paper (*The Internationalist*), International clubs, tours, and so on. These can be worked out, if only the principle be conceded, and the project entered upon.

The real point is; there is a need, there is an opportunity, and there is a field of practical work. Not only do guarantees against war, sanctions to compel arbitration and obedience to its decrees, limitation of armaments, and such vital human matters cry for truly international treatment; but there is a host of other and minor matters, such as language, weights and measures, and harmonizing of laws, about which the heads of our international party could usefully busy themselves. There is plenty of work crying to be done.

ELIOT CRAWSHAY-WILLIAMS.

LONDON, ENGLAND.

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IS MANKIND WORTHY OF PEACE?

WILBUR M. URBAN.

I.

ON A hundred battlefields—out of unnumbered skulls, monuments were raised to Genghis Khan. Of what consist the monuments of Cæsar, of Attila, of Napoleon? In the last analysis, though indirectly of the same stuff. War is war. Whether it be waged in the name of barbarism or civilization, through blind lust of power, for honor or for still nobler motives, war is war. Must it always be, must it through all the long ages remain the same? Is this worthy of humanity? More than ever at the present moment must man ask himself this question—at this moment when even the poets, those eulogists of war, draw back with cries of horror: this is no longer merely war, but some nameless diabolical thing—undreamed of by very Mars himself.

The idea of a perpetual, universal peace has always stood on the human horizon as a self-evident, self-illuminating ideal. One must indeed be blind of heart and mind not to see it. The laying down of weapons, universal disarmament, war against war, the brotherhood of nations, universal arbitration, the union of civilized peoples into a world state, the establishment of a high court of the nations before which all the disputes of the nations can be brought, and which would treat any nation which threatened the peace precisely as the single nation treats the disturber of the peace, the murderer, the criminal—is not this eirenic ideal the hope of every right-feeling man, the goal toward which all the moral and political development of mankind points and which will earlier or later be attained? And if our heart is convinced, is not our reason also? For, so the usual analogies run, as it has been possible to bring the many egoistic individuals into the peace-

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ful and peace-conserving unity of the state, so is it possible, at least in principle, to bring the many egoistic nations into the more inclusive unity of a world state or federation. The idea is self-evident, the induction seems at the first glance indisputable. And so, for more than a century and a half, a long series of minds of the first order—from the Abbé de St. Pierre and Rousseau to Kant, from Kant to Cobden, and Elihu Burritt, and from these to Tolstoi and the innumerable peace advocates of the present day, this idea of a perpetual peace has been worked out more and more completely and pressed home to the hearts and minds of men. If then—despite all this, the idea is still greeted by many with an ironical shaking of the head, by others declared in deepest sorrow to be still a phantom from Utopia, must it not be because in all our discussion there is an element in the problem not yet adequately taken account of—some unknown factor that disturbs the entire reckoning?

II.

It is the belief of many that the peace propaganda has been gradually passing from the utopian to the scientific stage. Despite widespread theoretical acceptance it is now generally realized that the earlier proposals are without results. A universal tribunal would have practical value only when there stood behind it a supreme power, a highest neutral world power as greatly superior to single peoples and nations as the single state is to its citizens and subjects. Failing this, and so far as human calculation goes, the future contains no promise of such a world state; the only practical constructions have been treaties and balances of power, the limitations of which are obvious. On the other hand, the hopes of Kant and others, placed upon the gradual growth of commerce, have been put to shame by the unexpected developments of commerce itself —the quite unforeseen treason by which trade has taken to itself all the principles if not the accoutrements of war. The proposals of the World Peace Foundation with its League to Enforce Peace, are held to be more scientific

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in that they build upon existent practical constructions of treaties and balances. Yet, in so far as nations know no law but necessity, manifest destiny and sacred egoism, such a league is powerless. When President Lowell candidly recognizes that a "nation can hardly bind one to wage war on another with which it has no quarrel, to enforce a decision or a recommendation of whose wisdom or justice it may not itself be heartily convinced," he has admitted all the utopian "water" with which the stock of the Foundation is so generously filled. All honor to those who do any thinking at all upon this question. But no candid or thoughtful man will overvalue such thoughts. Under the surface of the League, the volcano will still glow and rumble, ready to break forth, now here, now there, in ever new craters.

Of a totally different sort are the proposals of that chief apostle of the peace propaganda in modern times, Leo Tolstoi, with his doctrine of non-resistance. This, at the first sight the most visionary and impracticable of all peace proposals, really goes most deeply to the heart of the matter. In the hands of International Socialism it has undergone a development which has tended to lift it from the sphere of the utopian into the world of the actual. The "break-down" of Socialism at this point has created much sadness, and more secret satisfaction. But if it be true, as there is every reason to believe, that the plans of mobilization of several of the great European states included orders for the arrest and imprisonment of Socialist leaders, it is proof that the propaganda, though it had not gone far enough, had at least reached the point where it was taken seriously as "war against war." Since the great war itself, Mr. Bertrand Russell has worked manfully to raise the principle of non-resistance from the realm of emotion to that of reason, to extend its application from individuals and classes to peoples and states. An amused toleration of the "fatuous philospher" has been followed by conviction under "the defense of the realm" act. But one such determined and consequent thinker as Mr. Russell is worth

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more to the peace propaganda, if it is to be taken seriously at all, than all the Hague Tribunals. One French Socialist, deserting the colors because the promise that he should not be compelled actually to fight was not honored; returning to his little school house, there to remain quietly until he was found and taken out to be shot; one such school master is worth all the Leagues to Enforce Peace. Mr. F. B. Vrooman finds something infinitely amusing in our American peace talk—that we should "count on stamping willy-nilly, a Chatauqua civilization upon the rest of the world." Of such stuff is much of pacifism made. But not Tolstoi's, not that of International Socialism. Neither attempts that combination of contradictories so disastrous to the moral health of babes and sucklings,—a milk and water Christianity with the corrosive acid of modern competitive industry.

III.

That which makes this latter sort of propaganda powerful is an absolute belief in the absolute value of peace. This conviction underlies all consequent pacifism. It is the possession of this faith that makes the utopian forms strong; the lack of it which makes the practical forms ultimately and essentially weak. This leads us to a second deeper and really fundamental question: whether then, lasting peace among the nations is unconditionally desirable, whether it is an absolute postulate and ideal.

There are those, of course, who praise war just as there are those who praise egoism. They are, for the most part, honorable, honest, and deep-thinking men, thoroughly convinced and far from frivolous. With their arguments we are thoroughly familiar and, at the present moment, have little patience. Nor is there any need to point out the equivocations and sophistries of these arguments, historical and biological. They have been made entirely familiar by a long line of criticisms of which Viscount Bryces' Atlantic Article is but the splendid culmination. Enough! If we played with these ideas before the war, we

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are in no mood for them now. Yet at this very moment let us remember that we not only played with them, but that they were, and still are, the secret *credo* of a large part of us. Between the Treitschkes and Bernhardis and many of us quiet citizens, the only difference is one of courage and logic. With what dismay must many an Englishman have seen his own real convictions expressed openly in the opinions of Earl Kitchener, made public by Mr. Richard Barry after his death. "We shall always need and always have soldiers. Without the military spirit nations decay. The basis of all sound government is the military spirit. As for industrial, commercial, and economic life, I would say that nothing in it can endure without the military spirit." Now it is one thing to praise war. It is another thing, of course, to hold that it is necessarily implicit in the forms and values of our civilization. But war is not made by its eulogists, but by those who consider it inevitable. Not by those who accord it unstinted praise, but by those who call it, even grudgingly, a conditional good. Nietzsche's dictum, that "there has never been a bad war," may rouse our fiercest indignation, and we may feel very virtuous over our feeling. But until we cry, "there has never been a good war"—and until our conception of humanity and civilization makes that cry inevitable, perpetual peace is a phantom from Utopia. Is peace then an absolute good? Whether we will or not, we are forced to ask this question.

We hear much of the ignobility of "peace at any price." Ordinarily it refers to peace at the expense of national honor or supreme interest. But the same principle may be extended even to the ideal of universal peace itself. Let us assume that the longed-for goal were reached; that war were definitely abolished, that all the nations on this terrestrial ball formed a world state, etc., etc. There would still be the question whether mankind would be worthy of all this glory. Suppose this pacified human race consisted wholly of men given up to material interests and pleasures, little souls without any sense for the great and the noble—to what end were such a race of pitiful

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souls in existence at all? Suppose international peace were assured for all time, but only because mankind had become a race of weaklings and cowards, whose need of peace arose only from fear of pain and death—what would this everlasting peace be worth? Suppose finally, such a peace, brought about only by egoistic and material interests, were used only for the peaceful exploitation of the lives and energies of men? Would this laughing, golden age (!) be better than an age of iron, of successive wars of noble virile nations pursuing their ideals, and after the work of war is done, turning all their energies to science and the arts and crafts? Enough! Peace in itself is not unconditionally desirable. It is not a categorical but only an hypothetical imperative. Quite apart from the question whether such a peace could be lasting, it would be wholly lacking in worth. This is the eternal truth in all the exaggerated and dithyrambic cries of "Human, all too human," in the "Everlasting Nay" against all civilization and morality that make prosperity and peace an unconditional good. *Only then is perpetual peace worthy when mankind is worthy of that peace.*

Here then is the crux of the whole matter. From this fundamental axiom all serious discussion of peace, ideal or practical, must proceed. I fancy most men know this in their hearts. It is this interior knowledge,—of some inescapable, some *a priori* relation if you will, between the value of peace and the worthiness of our humanity and civilization, that makes us so impatient of much of pacifism. It is the belief also in an equally necessary relation between the present ideals of civilization, and the values of war, so honestly expressed by Earl Kitchener, that makes us skeptical of most practical proposals. When a man feels himself unworthy of the object of his desire and love, it is no mere abstract sense of unworthiness, but a very concrete and genuine doubt as to whether he is the sort of man that could keep that love. When men beat their breasts and cry out that they are unworthy of heaven, it is partly at least because, like Mark Twain's Captain Storm-

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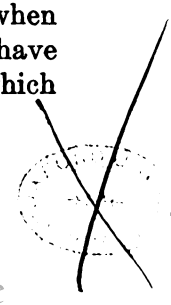
field, they do not know what in heaven's name they would do with it when they got there.

IV.

Here then we stand at the point where these two questions may be seen to merge into one. Is the pacifist ideal possible? Is it unconditionally desirable? They are inextricably bound up together and the nature of their subtle connection can now be brought to light. Peace is desirable only when mankind deserves it. But it is possible also only when he deserves and earns it. At the beginning we asked, is war worthy of humanity? Had we not better ask, is humanity at present worthy of anything but war?

There are two kinds of skeptics that must always be carefully distinguished. There is the cynic, skeptical because he holds mankind in such low esteem, and the ironic, skeptical because he holds him so high. To the latter we should always listen, in the matter of peace, as in all other fundamental questions. Is man's inhumanity to man a defect mostly of morals or of intelligence? Is stupidity or malignity the chief source of war and all its horrors? To the ironical critic this has always been a disputed question. However it be answered, there can be little doubt that in all that concerns his thoughts and labors for peace man's unworthiness is shown as much in defects of intellect as of will. Consider the whole long story of our peace projects from those of St. Pierre and Rousseau to that of the League to Enforce Peace. One is at a loss to know whether the persistent fallacy that dogs their steps proceeds mostly from the heart or from the head.

Everywhere, even within the most civilized societies and states, endless strife rules—strife between classes and parties, between labor and capital; and often enough, despite the entrance of the police and even the military arm of the state itself, it ends in bloody war, with its quota of dead and wounded. How can one expect that, when even within the single state or nation strife and war have no end, they can be ended between individual nations which



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recognize no common end, no *summa potestas?* "If a man love not his brother whom he hath seen, how shall he love God whom he hath not seen?" This is not merely religion—it is good psychology and common sense. Surely its quotation here is neither irreverent nor beside the mark. Or again, is it not usually the very minds who minimize the value of law in the individual state, because forsooth "law cannot make men good," who expect wonders from it in precisely that sphere where it lacks the very power that gives it force; who when the most sacred rights of the individual in national and civic life are violated in the interest of business and property, still expect that the more intangible and uncertain customs misnamed international law, will hold against the strain of nations and cultures fighting for their existence; and who, when their own civic and national life is shot through with "official lies," are shocked when the "scrap of paper" appears in international relations?

One may well ask whether this is the kind of intellect likely to be able to grapple with the problems of world peace. No less lacking in the power of irony are all those arguments which infer the possibility of peace from the working of the rational self-interest of the nations. To all these a diabolical instinct replies "they reckon ill that leave me out." Rational egoism is still will and may throw off reason at any time. "Sacred egoism" is still egoism, and when sanctity enters the mouth, reason may at any time fly the head. One of our college presidents has naïvely wondered why men can continue to gamble when all calculations show that in the long run the laws of chance work against them; are those who cannot understand why nations will go to war when the interests of commerce and industry are against it, in any different case?

After all, it is the same kind of intellect that thinks in terms of vigilance committees, that still talks of violations of neutrality and invasions of nations in terms of robbery and murder. Is such intellect capable of thinking out the problems of peace? Is the kind of intellect that dismisses

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the one hopeful principle, the one that goes to the root of the matter, because it has broken down (when no one should have expected it to do anything else but break down at this juncture) and grasps at methods that have done nothing but break down through all the centuries—is such intellect worthy? It is an old saying that men are known by the ends they seek. Even more surely are they known by the means they choose to reach their ends. It is precisely in the discussion of means that the total lack of a sense of the irony of our thought is revealed.

But this indwelling irony is merely symptomatic of something deeper. The condition of a valuable peace is that mankind shall be worthy of it. We are still morally unworthy of peace because we do not yet value it highly enough. We do not yet realize what it is for; it is a good that we do not yet know rightly how to use. Something of this feeling is undoubtedly at the back of the heads of those who praise war. They still have the uneasy feeling that peace may mean degeneration if we do not know how to use it aright—that there must be some "moral equivalent" for war, and that mankind has not yet found it. We may scoff at them, but can any one deny that this is part of our moral unpreparedness for perpetual peace? If this is true, it is important, but what I have in mind goes much deeper. Briefly and bluntly, it is this: *we are morally unworthy of peace, because when we have it we know how to use it only for the purposes of war.* Is this paradox? If so, it is only because on this point the human heart is itself paradoxical. But let us see.

We speak of the profound peace that preceded the present war. With Pecksniffian airs we bewail the splendid civilization that naughty men would destroy. This is how that profound peace, that splendid civilization appeared to one of us at least. "Greetings from the nineteenth century to the twentieth, in shorthand, by Mark Twain: 'I bring you the noble matron, called Civilization, on the return journey from piratical expeditions to Kiautschau, Manchuria, South Africa, and the Philippines, soiled and dis-

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honored, with her pockets full of booty, with her soul full of deceit, and her mouth full of hypocrisy. Give her soap and a towel, but hide the mirror.' " The essence of all war is the use of the lives and deaths of men as means to ends—whether the ends be the personal egoism of despots, as Rousseau thought and some simple people to-day think, or whether they be the over-individual ends of expansion of commerce, civilization or what not. All war implies a certain calculus of the lives and deaths of men. But this valuation also underlies all our activities of peace. We use peace for the same ends. I do not say that there has been no growth in the sense of the incommensurability of the value of a human life and personality. From the days of Wehr-geld—when a life had its definite money value, when you could purchase the life or honor of a female slave for a bit of gold—history proves the contrary. I do say, however, that the development is by no means sufficient to make peace either possible or desirable. So long as the ideals and values of peace are what they are, they will inevitably and rightly, when the crisis comes, lead to the decision of war.

The truth of the matter is that the problem of peace involves certain principles and practices which no country, not even our own, has ever acted upon—or indeed fully acknowledged to itself. "The struggle for trade need not, it is true, necessarily lead to war. But, conducted as it has been in the past, war is the logical result. The diplomacy and the armies and navies of the various governments have all been, in one form or another, the partners of commerce. When commerce is hard pressed, it calls upon its partner, and with that call comes the possibility of war." Not only has this been so in the past. Witness the French and German crises in Morocco, and the whole history of the opening of China! At this very moment in England the Anti-German League proposes to maintain British prosperity by keeping Germany and Austria in a permanent state of impoverishment—by preferential rates among the allies, by placing prohibitive duties upon Central European

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trade, by refusing German vessels access to their ports. The Central powers, on their side, discuss making a similar offensive and defensive union against their enemies. The vicious circle is complete. Mankind seems bent on proving that we know how to use peace only for the purposes of war. Who that is conscious of the silent but certain growth of "over-seas finance" among ourselves, can doubt that we are like to prove the same thing?

If intellectually unworthy, still more then is mankind morally unworthy of peace. It has often been maintained that every fallacy of thought really goes back ultimately to some moral obliquity of feeling and will. In all that concerns our practical judgments at least, certainly it is not without a strong dash of truth. At least to talk of the principles of humanity and liberty in politics, and not to see that they apply equally to commerce, is to talk either as a knave or a fool—probably a little of both. The first condition of the enforcement of peace is to stand against those principles and methods *in peace* that directly lead to war. I am not saying that savage commercialism is not necessary and inevitable. Perhaps it is. My sole contention is that the civilization in which it is inevitable is incapable of peace. Still more, that the civilization incapable of seeing its own irony is both intellectually and morally unworthy of it.

V.

To some this may seem to be but a belated *a priori* argument against the peace ideal itself. To some it may even suggest that rather famous dilemma against Socialism which not only has a place in the logic books, but still lurks unchallenged in some incorrigible minds. Why advocate Socialism? it is asked. Until men are perfect, it is impossible. When they are perfect, it will be unnecessary. So here. Why advocate peace? Until men are worthy of it, it is impossible. When they are worthy of it, it will come of itself. Of course the answer is that in neither case is there a dilemma. Men are neither wholly perfect or imperfect, neither wholly worthy or unworthy. They are

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in a transition stage and the very advocacy will help to bring about the worthiness that will make the desired goal possible. In insisting upon this necessary relation between the moral development of man and the possibility of those things that make for his peace, I have, therefore, not the least desire to assent to the stupid fallacy which underlies so much of our prate of "necessary progress" and lends itself so easily to the gospel of things as they are. The problem of perpetual peace, like the problem of social good, can be solved only *in ambulando.*

With the peace ideal itself I have no quarrel. The whole question is as to the nature of its advocacy. Am I wrong in thinking that what we need here above all is irony? Of sentiment and moral indignation we have had plenty. Of specious argument more than enough. What we need is irony—and again irony. In time of peace prepare for war; should we not rather say, in time of war prepare for peace? If so, is not a large part of that preparation precisely the discipline of intellect and will that shall enable us to know the things inherent in peace that lead to war? What shall it profit us if in the emotional ideology of the present we shall have forgotten that which we had almost learned before the war broke out? Mr. Bernard Shaw rightly doubts the capacity of an English Secretary of State to negotiate peace "on the assumption that he is engaged in a crusade against certain sentences of Treitschke," and who, as is evidenced in Sir Edward Grey's recent interview, "after two years of reflection talks the same moral humbug as under the first shock of war." Is it with any less right that we doubt the capacity of many of the self-appointed secretaries of state to humanity, who set out so valiantly to negotiate perpetual peace?

On a hundred battlefields, and out of unnumbered skulls, monuments were raised to Genghis Khan. Must it always be? Must it through the long ages remain the same? Somewhere or other Carlyle describes how Tamerlane, in glistening armor, his battle ax over his shoulder, stood before the gate of Damascus and watched with satisfaction

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as his soldiers built a pyramid of the seventy thousand skulls of his conquered enemies. "But," he adds, as a consolation in the face of this monstrous fact, "perhaps at the same moment there was playing on the streets of Mainz with his comrades, a boy who should later discover the art of printing, namely Gutenberg." Consequently printing with all its consequences, even if they are all good, *compensates* for a Tamerlane! This way of valuing expressed by Carlyle even more brutally in a hundred places, is still the type of valuation that underlies our civilization in peace as well as war. I do not say that it is not the true way. That is a question for itself—and by no means easy of answer. It is possible that, as many are contending at the present time, western civilization, even in the short distance it has gone, has been guilty of a morbid evaluation of the individual and the individual life. Into this question I do not go. I simply contend that so long as this way of valuing remains fundamental—and modern evolutional thinking but confirms it—perpetual peace is a dream as indeed it should be. Must it be so? Is war with all its horrors, worthy of mankind? I do not know. All I know is this. War is worthy of mankind, just so long as man is no more worthy of himself. The horror of war is with us. But, as history and present experience alike teach us, that horror, like everything else emotional, becomes blunted by time and use. There is only one thing ultimately intolerable, and that is a contradiction at the heart of life. Here only irony avails.

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ROYCE AS AN INTERPRETER OF AMERICAN IDEALS.

FROM the inception of the JOURNAL OF ETHICS to the day of his death, Professor Royce was a member of of its editorial board. And the many articles and reviews that he contributed to its pages attest his interest in its field of activity. We are apt to think of Royce as primarily a metaphysician, only incidentally interested in ethical problems. This is a great mistake. The two dominant interests throughout his career were logic and ethics, and his metaphysical interests grew out of the latter. For he held that for morality to become effective through religion, it was necessary to "find one's ideal among the realities." It is in the critical discussion of the problem thus suggested that he is led to his earliest formulation of his metaphysical idealism in *The Religious Aspect of Philosophy.*

In the preface to that work he tells us that religious interests first drove him to philosophy. But what is unique in his case is that it was not the interest of the believer in finding support for his faith, but rather the interest of the rebel in winning through to a higher vision of values because of his very rebellion. Royce was by nature a nonconformist. He was proud of the tradition current in his family that one of his ancestors had stood by the scaffold of Charles I. Moreover, he was born and spent his early years in a small mining town in California, when the independent spirit of the early pioneers was still in evidence, and frontier lawlessness and vigilante committees still fresh in memory. Now the problem of freedom which lies back of our efforts in democracy stands out in bolder relief in the life of the frontier community than anywhere else. What is the price one must pay for freedom? How can the interests of the community be maintained and the independence of its individual members be preserved? Royce's two books and his many articles dealing with Cali-

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fornia life show not only a deep interest in his native state, but especially his interest in the great practical problems that confront the American nation. His *History of California* bears as a sub-title "A Study of American Character." And it is clear that his interest in California was mainly due to the fact that there he found a fresh and vigorous expression of American character freed from the artificialities of convention, all its passions, its ambitions, its ideals,—both its virtues and its failings, its pettiness and its grandeur, writ large. And his ethical idealism is best understood as an interpretation of the spirit of modern civilization as it had found expression in his native land. Not that there was anything of the Chauvinist in Royce. If there were aught of value in our social and political ideals it was due to the fact that they rested on principles that cross the boundaries between nations, and might equally serve as the basis of that community of nations to which he hopefully looked forward.

Professor Royce's confidence in the so-called dialectic method of proof is well known. The only irrefragable truths, he held, are those that are implied in the very effort to deny them. This was not, however, a method borrowed from Hegel. The truth is, Royce was a born dialectician. It was a method suggested rather by the practical problems that he used to ponder over in the days of his youth: How one must surrender independence in order to gain freedom; what the dissenter must affirm in order to make good his dissent. It is only a step from this to the conviction that the road to certainty lies through doubt; to the discovery, in any serious defence of ethical skepticism the affirmation of a positive ideal, in the assertion of rights the implication of duties, in the existence of error the proof of the reality of God. It was his clear consciousness of the paradoxical aspect of all significant human experience that determined the method. Living near the concrete and vital facts of experience, he found that things were much more complex than abstract reason, or human wilfulness, would have them, and rediscovered the old truth that things

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are not cut off from one another "as with a hatchet," and that "opposites unite."

We are concerned in this paper, however, not with the method itself, but rather with the use Royce made of it in dealing with the problem of ethics, with the ethical ideal to which he was led, and with the application of that ideal to certain vital problems of the hour.

The subjectivism latent in the Protestant reformation came out into the open in the doctrine of the rights of man in the period of the enlightenment, and reached its extreme expression in the latter part of the eighteenth, and the beginning of the nineteenth, century in the work of the Romantic philosophers, who, cut loose from all authority, would follow unhindered the dictates of the enlightened heart. But their work is mainly negative, its aim being to set the human subject free from the bondage of authority and tradition. For us, however, this aim is, in theory at least, already accomplished, and the intelligent man of to-day is earnestly seeking new ties that will bind him once more to his fellows and to the social order,—some method of reconciling the individual's heart and interest with the authority of the community.[1] If the moral law is not a finished code, delivered on Sinai, nor yet engraved on the tablets of the mind, neither is it to be found in any form of self-will.

> What we nowadays want, in that loneliness of the inner life which, during our worse moments, we often feel so bitterly, is precisely this,—to learn to love authority, and to that end to find the authority that is worth loving. Hence our ethical inquirers, indeed, ask the old question of subjectivism, "Why should *I* obey the moral law?" But they ask not as the old romantic rebels asked, for the sake of escaping from any but the inner law. They ask longingly, just because the subject has learned, in his keen modern sensitiveness, to despise the merely inner law of his caprice, and because he wants to find the way back to an ethical order that can be verified in and through the world of hard facts,—an order that shall be external and still spiritual; an object of scientific experience, and still a kingdom of the ideal.[2]

[1] I am here summarizing the position taken by Professor Royce in an article entitled "The Outlook in Ethics," published in the INTERNATIONAL JOURNAL OF ETHICS, Vol. II, 1891–2.

[2] *Ibid*, p. 109.

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Moreover, this is just the form that the perennial problem of freedom takes in modern civilization, and it is especially conspicuous in our own experiment in democracy. We want independence; we must have the unity that authority alone can insure. How are we to realize both? It is because Professor Royce saw this so clearly, and saw also what its solution implies, that we are justified in viewing his work as an interpretation of the spirit of American civilization. The law of freedom that we seek is "determined by the fact that there are many of us living together, and that, if we are rational beings, we are deeply concerned for one another,—concerned to comprehend one another, to respect one another, to organize our wills into some sort of universality, to live in spiritual union, to give our common life the most complete wholeness that is possible."[3] In this way we may combine "the fullest regard for the 'independent' conscience of each man, with the sternest insistence that without dependence on the life of man, as embodied in the organism of society, the individual's ideals are worthless."[4] So far, however, this may seem to be merely a clear statement of the *desideratum*. What is the nature of the moral ideal that is to accomplish this result, and what the source of its validity? This question Royce discusses at length in his *Religious Aspect of Philosophy*. He shows the impossibility of getting any moral ideal by simply observing the facts of nature, finding the drift of things, and calling that good. To attempt to found morality on evolution is to confuse the notion of evolution with the notion of progress; of growth in complexity and definiteness with growth in moral worth.[5] One can only give moral approval to a natural tendency on the basis of a moral code found independently of that tendency. On the other hand, if one seek the moral ideal through an appeal to conscience, viewed as a sort of inner light or higher instinct, one finds, alas, so many different

[3] *Ibid.*, p. 111.
[4] *Ibid.*, p. 110.
[5] *Religious Aspect of Philosophy*, 1885, p. 27.

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and conflicting ideals seeking support in this way. And who is to judge between them? The appeal to sympathy fares no better, for it is confused, often capricious, and not infrequently a disguised form of selfishness. And, in any case, a code thus founded is unable to defend its claims when confronted with the ideal of the unsympathetic individual.

The result would seem to be purely skeptical. No adequate reason can be given for the choice of any ideal. One asks for reasons and gets enthusiasm, rhetoric,—and abuse. But serious ethical skepticism is no mere indolent acquiescence in human ignorance. If one is really in doubt as to which of conflicting ends should be adopted, it is because each makes its own appeal, and one is provisionally accepting both. Make such skepticism as complete as you please, it would still presuppose one end, namely, the "effort to harmonize in one moment all the conflicting aims in the world of life."[6]

This result is neither barren nor self-contradictory. Such perfect harmony is indeed unattainable. But one can nevertheless walk in the light of this ideal. If he does, he will act as one would act who expected to realize in his own person all the consequences of his act, as it affects all his conflicting aims. In other words, the ideal does not bring us forthwith to the desired harmony, nor does it represent that harmony as in some mystical sense now realized. The disease is still there; the conflict of aims is real; but recognizing these aims as my own, I can deal with them, and work for that organization of life in which the harmony is to be found. The ideal sets a limitless task, but at least it defines my aim.

But at this point Professor Royce, of a sudden, makes an extension of this principle which at first sight seems highly questionable. The highest good, he tells us, would be realizable only in case all the conflicting wills in the world realized fully one another, and were brought into con-

[6] *Religious Aspect of Philosophy*, 1885, p. 138.

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formity to this insight. "For, then, not abandoning each its own aim, each would have added thereto, through insight, the aims of the others. And all the world of individuals would act as one Being, having a single Universal Will."[7]

But what is the warrant for this extension? Have we not, in making it, simply become involved in the difficulty which Professor Royce has noted in other efforts to set up an absolute end, namely, that one can meet the recalcitrant individual, who refuses to accept it, only with anathemas, not with compelling argument? I do not find that in this earlier work Professor Royce has met this difficulty. The idealism there expounded does, indeed, represent the individual as a partial and fragmentary embodiment of the universal will and reason. And so, one might argue, if he ever finds himself in his wholeness he will discover at the same time his unity with that universal will. But even if one were to accept this as sound metaphysical doctrine, one might well be left cold, and unconvinced as to its ethical pertinence, and even rebellious. The more red-blooded he were the more likely he would be to retort: "After all, God's business is God's business. My ideals, as mine, are inevitably bound up with my own individual life in all its uniqueness and finitude."

There is here clearly, I think, a gap in the argument, and the whole of Royce's subsequent work might, in one aspect, be viewed as an attempt to bridge this gap. In metaphysics, this appears in his interest in the problem of the individual, and his concern in his later works to find in the world of the absolute elbow-room for the individual; and also in his investigations of the nature of the social consciousness. The results to which years of reflection on these problems brought him are most clearly formulated in the *Problem of Christianity*. Here he shows that the isolated individual is a pure abstraction; that it is not true that one takes one's start, as it were, in the prison of the inner

[7] *Ibid.*, p. 145.

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life, and then argues oneself into the belief in other minds on the basis of analogy, finding the behavior of their bodies like that of one's own, and inferring the presence of a corresponding consciousness. The notion of a self-contained mind, coming to believe in the existence of other minds in such fashion, is a pure fiction. We cannot even state the argument from analogy without presupposing as its own terms a consciousness that takes us beyond the limits of our private personality. Our consciousness is in truth from the first social. And one "rounds to a separate mind" only by defining his own interests and purposes within the unity of the mind of the community. Consequently truth-seeking itself, and every form of purposeful activity, is from the first a social enterprise.

It is this insight that bridges the gap noted in the earlier work, and justifies the interpretation there given of the moral ideal. For it makes it plain that the realization of that harmony of my own individual aims which I seek is only possible in so far as I am a member of a community in which is realized the more comprehensive harmony of the conflicting wills of men through the organization of the larger life of mankind; and that I can do my part in the service of this cause only in so far as the spirit of the community dwells within me. From one point of view, this ideal describes an infinitely distant goal,—"the hope of the great community,"—but from another it appears, in moments of moral insight, as precisely the light that is the life of my present endeavors, and gives them form and direction.[8]

The moral insight, then, involves the will to harmonize all the conflicting wills there are in the world, and to this end demands that one act as if one's neighbor and oneself were "one being that possessed at once the aims of both,"[9]

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[8] This is, I take it, the meaning of the interpretation which Royce gives of the essential message of Christianity in the *Problem of Christianity*, that one is saved, made morally whole, through the "indwelling of the spirit of the beloved community."

[9] *Religious Aspect of Philosophy*, p. 169.

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and that one further extend this principle to include the life of all whose aims one realizes; and it involves the will to work for that organization of life in a future and happier humanity where each shall be able to perform his daily task in the service and under the inspiration of this over-individual cause. Although we can not now foresee what such a complete organization of life would be, we do, even now, enjoy certain activities, such as the work of the artist, the scientist, the public-spirited citizen, which illustrate such whole-hearted devotion to an over-individual good, and give more concrete meaning to the formula.

Moreover, our ideal does not simply state generalities. It very definitely determines what our attitude should be in all our social intercourse. For it demands that one realize, as far as may be possible, the true inner life of one's fellow men. Most of the persons with whom we come in contact in our daily lives we meet in a purely external fashion,—our grocer, our tailor, the conductor on the car, and even our more familiar associates. They behave in certain ways, agreeable or disagreeable, and we like or dislike them accordingly. But for the most part we have no true realization of their inner lives at all. It is only in the case of those nearest and dearest to us that we succeed, and then only imperfectly, in taking such an over-personal view as to realize their aims, even as we do our own, and consciously seek to bring them into harmony. Yet bitternesses, jealousies, and hatreds will persist until this spirit can prevail in all our human relations. Work then for the extension of the moral insight in yourself, and among your fellow men. This ideal is absolute. But if one now is confronted with any specific practical problem, individual or social,—shall I do this thing, or advocate that cause?—one may and must, if a moral issue is involved, ask, will it further or hinder the growth of this moral insight? But in most cases there is room for an honest difference of opinion. One may be mistaken. And the test, the only test, is the appeal to experience. The ideal furnishes a standard, but in the use of this standard in concrete sit-

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uations the personal equation cannot be escaped, and the limitations of knowledge make mistakes inevitable. Our absolute idealist is modest, if he understands the meaning of his idealism.

The moral ideal that we are here describing might be called the spirit of fair play as between the conflicting wills of men. This does not mean that he who upholds it is an advocate of compromise. Right is right; wrong, wrong. And he has in his vision of the ideal, in his moral insight, a sure criterion. But concrete cases are complex and baffling. The issue is rarely clear cut. So, while he will strenuously work for the triumph of what seems to him best, he will scorn a victory won by compulsion, or by any unfair advantage.

There is only one thing which he absolutely knows is always and everywhere wrong, and which he will therefore oppose, if need be, with all the force at his command; and that is, the action or policy of anyone, individual or nation, which by ruthless egotism seeks to enforce its private will on others, and thereby strikes a blow at the very root of morality itself.

In the *Philosophy of Loyalty* Professor Royce has given a fuller exposition of this moral ideal, and has shown the way in which it underlies and determines reason as well as conduct. It is a "cause" which unites the lives of various human beings in one life. And loyalty, which is the "willing and practical and thorough-going devotion of a person to a cause" is the essence of virtue. And it is such just because it lifts one out of one's private and egotistical self into the unity of the larger life of the community.

Royce has, in his various writings, made many applications of his moral ideal to the practical problems of the day. I shall confine myself to the consideration of two of these. The first is the question of the relation of superior to inferior races, which he discusses in his essay on "Race Questions and Prejudices."[10] The difficulties we have in

[10] In *Race Questions and Other American Problems*, 1908.

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dealing with our negro problem will never be solved, he holds, so long as the "superior" white man parades his superiority, thus humiliating the "inferior," and tries to coerce him into decent behavior. Make real to yourself his own inner life as it is to him, give him his share of work to do in the service of law and order, and thus awaken his self-respect, and enable him to become a loyal servant of the community, and then the problem will be solved. That this is no visionary ideal Royce was convinced by the fact that this was just what had taken place in the English West Indian colonies, notably in Jamaica, and that, in consequence, the race problem never had arisen there. The genius that dominated England's policy with respect to her colonies was just that spirit of fair play that rules in her sports. And, one may add, she is now reaping her reward, in the way in which her colonies have rallied to her defence in the present crisis, showing that the empire had become in truth a community of nations.[11]

Professor Royce was in California when the war broke out, preparing to give a series of lectures on some of the problems raised in his then just published work on *The Problem of Christianity*. He at once changed his plan, and decided to lecture instead on the application of his ethical principle to the great problems brought to the front by the world crisis. His little book, *War and Insurance*, was the result. More important than the simple remedy there suggested,—the extension of the principle of insurance to international relations,—is the clear vision it contains of the community of nations, and of what its realization implies; which is simply, the extension of the moral insight, the spirit of fair play, which should govern our relations as human beings, to the relations between nations.

As the months went by, and the awful tragedy of the war grew ever more appalling, it seemed to Royce increasingly evident that Germany was playing the rôle of the enemy of

[11] For example, the small island of Jamaica at the outbreak of the war at once contributed $2,000,000, and 10,000 soldiers, and then set about it to raise another 10,000.

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mankind. The sinking of the *Lusitania* was the crowning proof. After that it was "as impossible for any reasonable man to be in his heart and mind neutral as it was for the good cherubs in Heaven to remain neutral when they first looked out from their rosy, glowing clouds and saw the angels fall. Neutral in heart or mind the dutiful American . . . will not and cannot be. He must take sides."[12] "Our duty is to be and to remain the outspoken moral opponents of the present German policy, and of the German state so long as it holds to this policy and carries on its present war. In the service of mankind we owe an unswerving sympathy, not to one or another, but to all the allied enemies of Germany."[13]

Throughout the last two years of his life Professor Royce lived constantly under the shadow of this world tragedy. It was, as he viewed it, the supreme test of modern civilization. The moral ideal which Western civilization had, after long centuries of travail, brought to birth was fighting for its existence. Militant Germany of to-day, egotistic and ruthless, as her deeds and the utterances of her spokesmen alike proclaimed, had shown herself the enemy "of all that makes the common life of humanity a possible ideal."[14] The call to Americans was plain. As we value that moral ideal which underlies the cause of freedom, so must we be ready to hazard all, not for the sake of America solely, or of any nation, but for the sake of that "trurer union of mankind, and for the future of human brotherhood."[15]

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[12] From the *Lusitania* address, delivered at Tremont Temple, Boston, on January 30, 1916, and since published in *The Hope of the Great Community.*

[13] *Ibid.*

[14] From a second *Lusitania* address delivered on the anniversary of the sinking of the *Lusitania*, and since published in *The Hope of the Great Community.*

[15] *Ibid.*

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THE INDIVIDUAL CONSCIENCE AND THE LAW.[1]

EMILE BOUTROUX.

THE question before us seems to many minds to have been clearly and definitely answered long since. Conscience and law! were not their respective positions marked in indelible characters when the words were uttered: Render unto Cæsar the things that are Cæsar's and unto God the things that are God's? Conscience has its own domain, the wholly interior world of beliefs and thoughts, feelings and wills. In that domain it is sole mistress; it is amenable only to the powers that it accepts. Around this domain rises a wall of brass which no external power has the right to break down, and which, indeed, no force can really undermine. In theory, even in reality, as a final resort, conscience is inviolable. Outside the sanctuary of conscience, however, stretches the region of the outer life, of manifestations and actions. Here, law is sovereign, quite as independent of conscience as this latter, in its own realm, is independent of law. There are two worlds and there are two empires; nothing could be clearer or more logical than this economy of the universe.

In practice, however, we encounter difficulties. The system is based on the radical distinction between thought and action: the latter wholly material and exterior, the former wholly interior and spiritual. What, then, is to be said of the written and the spoken word? What is to be said of instruction? Are these simply thoughts, or are they, even now, acts, and, as such, subject to law? The difficulty is solved by endeavouring to find out, in each given case, whether the fact resembles more closely a pure thought or an external manifestation. Nature indeed always offers

[1] A lecture given at the École des Hautes Études Sociales, November 7, 1905. Authorized translation by Fred Rothwell.

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intermediate forms between two genera, however distinct from each other these may be. Yet the difficulty of classifying these forms does not prevent the naturalist from maintaining the distinction between the genera.

Such, unless I am mistaken, is what may be called the classic doctrine as regards conscience and law. It is principally shown in the peculiar importance attributed to tolerance, which is regarded as the first of duties, the essential virtue of modern societies.

Is it quite certain that this famous doctrine is at the present time as firmly established as it seemed to be? Certain formulæ, now in considerable vogue, might make us suspect that such is not the case. For some time past, the question of the necessity of insuring the moral unity of the nation, and of the task, incumbent on the state, of establishing this unity, has frequently been raised. We are told that democracy has both the right and the duty to institute a system of moral beliefs and to impose this by any means calculated to create in men's souls something equivalent to religious beliefs. We read that only free consciences, *i.e.*, consciences freed from religious beliefs, have the right to claim freedom of conscience; for we cannot expect to retain what we have not got, and it is precisely in the formation of such consciences that the task of democracy consists. This doctrine comprises, strictly speaking,—so we are assured,—rational liberalism, which must not be confounded with empirical liberalism. The conclusion reached is that, in the matter of tolerance, to maintain that all sincere beliefs are deserving of respect, is either cowardice or foolishness.

True, on the other hand, we frequently hear such aphorisms as: Be thyself, there is no other law. The object of life for every man is and can be nothing less than the entire realisation and emancipation of his individuality (*freie Individualität, Entwickelung und Ausleben seiner Individualität*). All constraint is humiliating, all pledging of one's word a falsehood. What right has society, which is composed of men like myself, to impose on me its conven-

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tions, prejudices and routine, in which I, for my part, see nothing but documents dealing with the past?

It would seem that, either in one direction or in the other, we are moving away from the dualistic doctrine which attributed a distinct function to each of the two principles; and that, in both cases, there is a tendency to absorb the one of the two principles in the other. If such doctrines really find credit nowadays, it would be advisable to enquire what are the claims of the classic doctrine of dualism, in order to see if it is capable of overcoming the attacks to which it is exposed.

I.

This doctrine was based on a certain number of postulates, which, in these days, seem to be greatly compromised.

In the first place, the self was regarded as a real and distinct entity. It was because it was thought to exist separately that it was declared to be inviolable.

At the present time, its separate existence is disputed. Our thoughts, says contemporary psychology, are not those barren virgins imagined by classic dualism, bringing to birth only when united to some extraneous agent. They differ from acts in degree, simply, and, of themselves, are already big with action. They *are* the very act, which begins, assumes form, and tends to display itself in all its amplitude. Alone amidst surrounding obstacles, other thoughts, stronger, keener, and of a more encroaching nature, inhibit and keep in a state of tension the thoughts that appear inert. There is no reason, then, once we allow that the state has a right over actions, to withdraw thoughts from its province. We might as well say that the doctor has the right to combat disease only when the patient is beyond hope of recovery, and that he is departing from his rôle if he attacks the evil at its origin. In the same way, no thought has the right to proclaim itself innocent. When, shut up in my room and apparently thinking all alone, I allow my imagination to dwell on certain conceptions, ideas or dreams, I am really working to create within

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myself certain habits, tendencies, laws of judgment and action which, sooner or later, will be represented in effects. One cannot do evil in thought only.

Thus, thought, conscience, the self is not a separate and wholly spiritual reality. Is it even a reality at all? Those psychologists who set up the philosophical foundations of classic dualism did not consider the relation between the conscious and the unconscious, they neglected the enormous share of the latter in the content and the conditions of existence of the former. The self was brought before the mind as a well defined and circumscribed subject, which possesses and knows itself, which is complete, potentially at least, in its entire scope, and which in all its acquisitions or modifications, remains itself throughout its entire existence. The study of the unconscious, however, has upset this psychology. The conscious self is no longer anything more than the contingent explosion of some of those forces, the whole of which constitute the subconscious, the true self; an extreme degree of tension has transformed these potential energies into living forces. What we call our convictions, conscience, personality, is but the mechanical result of a work that has been brought about apart from this personality itself, in the depths of the unconscious.

There, unknown to us, the organic influences, imitation, suggestion, auto-suggestion, are at work. Instinct or passion, acquired habits, the influence of a certain person, the spell exercised by some particular formula, all these decide us; we passively suggest to ourselves a certain belief or conviction to which we afterwards point as the sincere and spontaneous expression of our individual conscience; we imagine this belief to be our own work because of our tenacious hold upon it. Now, how can we regard as inviolable and sacred a conscience that is but a psychical illusion, a reflection, an epiphenomenon, devoid of substance and efficaciousness alike? The classic doctrine owed its semblance of consequence only to the realisation of an empty abstraction.

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A second postulate underlying it in men's minds was the principle of the *contrat social*, that there belongs to the individual as such "an absolute and naturally independent existence." Conscience, whatever it was in essence, was connected with the individual as with a distinct reality. Society was regarded as consisting of such individuals, aggregated from without, somewhat like the atoms of Epicurus in the worlds pictured by this philosopher. A doctrine, however, put forward by Pierre Leroux, Renouvier, and recently advocated by M. Léon Bourgeois, a doctrine, moreover, in harmony with the most solid results of sociological investigation, namely, the doctrine of solidarity, as it is called, shows us the individual depending, in all things, on the collectivity of which he forms part. *Quid habes quod non accepisti?* said Saint Augustin. Nowadays we are shown that the individual owes to society all he possesses, even all he is. Whence do I obtain not only my knowledge and the things by which I live but also the very principles in which I take pride, the convictions and feelings that constitute my self, if not from the endless toil of so many generations that have gone before? Is it I who think, or is it a portion of mankind that thinks in me? My rôle, if I have one, is that of a drop of water in the ocean. How foolish, then, to regard the rights of society on the one hand, and those of the individual on the other, and then to declare that these respective rights are counterparts of each other, that they constitute two mutually impenetrable spheres of activity!

Finally, I will mention a third postulate, perhaps the very bed-rock of the dualistic doctrine. In the civilisation which united the Jewish-Christian religion and the Hellenic philosophy, there grew up a theory of knowledge which distinguished between belief and science, regarding them as irreducible and alike well-grounded in their principles. Science, it was held, relates to the beings of the visible external world; belief is concerned with the interior and spiritual life, the strict objects of consciousness. According to this theory, it is the province of law to regu-

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late everything in human life that relates to the external world, the domain of science. But it is both absurd and impossible for the law to lay down beliefs, which are not based on any compelling reason, and exist only if they are free. This distinction between belief and science was systematised by Descartes, Locke and Leibnitz; it constituted the basis of Kant's famous system. It was very definitely manifest in Herbert Spencer's theory of the Unknowable and lo! science now regards itself as capable of abolishing it. Extending its conquests ever farther and farther, it breaks down the barrier that a simple faith had erected between the exterior and the interior, the physical and the moral, the knowable and the unknowable. Relying on the progress it has made, the conception it has formed of the universe and of the conditions of knowledge, it declares that henceforth nature has no more mysteries for it, that, in theory if not in fact, everything is dependent on science and its methods. For the present, unknowable can signify nothing else than unknown. Belief is nothing more than ignorance and prejudice. Now, is there any freedom of conscience in arithmetic, mechanics or physics? And if every class of reality is knowable in the same way as the relations between numbers and the change of bodies, where could freedom of conscience legitimately find its place? Has ignorance any right in the presence of science, or error in the presence of truth? When brought in contact with the man of science the believer, *i.e.*, the ignorant man, has but one right, or rather duty, that of acquiring knowledge. Things are divided into two categories. First, there are those which science has claimed as her own and of which she is sovereign, pure and simple; and secondly, there are those but imperfectly known so far, and the rule regarding which, in so far as practice demands immediate decisions, lies only in the inductions drawn, as scientifically as possible, from the results actually attained by science.

Thus the various postulates on which the doctrine of the mutual independence of conscience and law was based, appear involved in one common downfall. The law, as

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the expression of the will of society, of its needs and spirit, of the science that is its product, and of the ends at which it aims in conformity with this science, would appear to have every right to govern not only the deeds but also the thoughts of individuals, so that it may inculcate in the latter, by education and all appropriate means, the habits, the feelings, and the form of conscience and of autonomy best calculated to realise the social goal, as determined by society. The end of this evolution would seem to be the absolute subordination of the individual conscience to the law.

II.

This tendency exists in present-day society, nor is it the only tendency influencing men's minds. As though contraries attracted each other, it finds over against it an opposing tendency. How comes it, say the representatives of this latter, that there is a reluctance to recognise the reality and the superior rights of the individual conscience? From the fact that the condition of this reality is regarded as existing in a self which is conceived as a "substance," that is permanent, fundamental, and independent of time and space. This self, indeed, is an idle fancy which must be left to the metaphysicians of another age. We, however, have nothing to do with such a self—which, in truth, is not a self at all, but is rather a transcendent, unknowable entity,—for the purpose of affirming our existence as individuals and claiming our freedom of conscience. All that is needed is to invoke the self that we feel and know and are at every moment of our conscious life. This self, indeed, is changing and transitory, shallow and without foundation, it may be, but what of that? It is real—everything that is most real, so far as we are concerned—the only thing that unquestionably is. Compared with this immediate present self, all else is but abstraction and hypothesis, a more or less artificial and unsubstantial fabric of our imagination and understanding. I live, I will, I think, I enjoy and suffer: what reality could blot

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out that reality? What reality, for me, is not involved in that?

But then, it will be urged, in this very self which is immediate and irreducible reality, analysis detects two elements, one, exclusively individual: sensation, the instinct of preservation and of development proper; the other, which, in the individual himself, supplies a basis for society, namely, the aspiration to reason, to freedom, and to personality, and that can be realised only by participation in a community, by obedience to social laws. In order that the individual may be fully actualised, the lower part of his being must obey the higher part, *i.e.*, in a word, he must subordinate himself to society and to the law.

This is antiquated psychology, the individualist of whom I am speaking will answer. It is erroneous to say that there are, in the self, two distinct regions, one lower and the other higher. We have reduced this would-be higher to what you call the lower. We have shown that there is in feeling a simple mechanical development of sensation, and in reason a differentiation of instinct. The self is one, and it is its motor and sensible faculty, not its reflexive and intellectual processes, that forms the real, permanent basis of its nature.

But if we find in it elements not immediately reducible to this natural substratum,—and such, as a matter of fact, are many social or religious beliefs,—they may be explained by the part that tradition, habit, and routine play in the formation of our conscience. The commandments of Jehovah, unknown to ourselves, give us the idea of duty and obligation. From the ancient blending of religion and politics, there has remained in us the idea of a law based on justice and invested with the most sacred character. Vain survivals of a dead past! Crushing heritage from which it is time to free ourselves!

> Es erben sich Gesetz' und Rechte
> Wie eine ewige Krankheit fort.

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What then, in short, is the true essence of the self? To one who is free from prejudice and observes man scientifically as plants and minerals are observed, this essence is nothing else than the need of independence and emancipation, of the possession and free disposal of oneself. All else goes against his nature and makes him unhappy, because it offers violence thereto. Not only is man incapable of understanding how he could be held bound to eternal engagements, seeing that he lives in time; but, considering that, for him, the only reality is his present self, from which his self of the next moment will perhaps differ entirely, he rejects wholesale every kind of engagement, whether for the whole of life or for a day; he feels he is in possession of his self only if this latter, at each moment, remains his in its entirety, for at each moment it is an indivisible; he is conscious of being wholly himself only when he can unfold to the full his powers of emancipation and independence.

This method of looking at things, when dealing with the laws, results in an attitude which is the opposite of that which we previously observed. The man of whom we are now speaking will not refuse in practical life to conform to the laws, but he will deliberately look upon them as means, whereas the independence and spontaneous development of his self will constitute his sole end. He will gauge the value and authority of the laws according to their fitness to bring about this result, nor will he hesitate to regard as intolerable those which he considers to have been framed in a different spirit. In any case, he will regard the system of legal constraint, as well as that of religious constraint which remains its foundation, only as a more or less provisional mechanism, which the advance of enlightenment and organization must tend to render useless and to abolish.

III.

We see from what has just been said that the minds of men nowadays are turned in very different, even in opposite, directions. Some continue to restrict more and more the independence of the individual conscience in order to

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offer wider scope and influence to society, state and law. Others are all the time endeavouring to reduce the social community to an instrument for the individual's emancipation and autonomy. When, therefore, we find both these types of mind invoking science in their favour, basing their claims upon history, and maintaining them with like conviction and energy, we might almost imagine we were dealing with an insoluble antinomy, where force alone is to decide the victory.

The precision of claims, however, the frankness of opposition and the violence of conflict, are not invariably sure symptoms of the real field of dissent. How many apparently irreconcilable oppositions the past has seen, oppositions which, at the present time, we cannot understand! It has always been the custom of human beings to begin by saying: "He who is not for me is against me," and to try to discover enemies in those nearest to them. The more points of contact we have, the more occasions for friction. But time frequently tones down these would-be contrasts by raising up others, which, in turn, are at first looked upon as absolute and ultimate. See what has become of the classics and the romantics: they imagined themselves at the opposite poles of art, but at the present time the only distinction between them is the unequal expansion afforded to the divers elements of one and the same whole. It is the same with the political parties: they hurl anathemas at one another. In many instances, however, posterity will find them on the same platform, disputing about words rather than about things.

Words form the battle-fields of stern and desperate encounters; they constitute the food that keeps them alive.

Mit Worten lässt sich trefflich streiten.

Words create the standards of war, the close, serried ranks of combatants. They are symbols of logic, or rather of that syllogistic and abstract dialectic which, indeed, would not exist without them. It is words that give a syllogism those definite, close, immutable concepts, which

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form the condition of its interplay of inclusion and exclusion.

Hence might it not happen that the contrast in question should be specifically determined by the somewhat logical and verbal manner in which these questions are generally treated? Consider the present conditions under which ideas are worked out in political and social life. Most of the time is spent in discussion during meetings and conversations; speeches are delivered and articles written in journals and magazines, for the purpose of producing an immediate effect. What is our criterion in these brilliant wordy tournaments? This criterion is and can be nothing else than the principle of contradiction. Logic alone is the same for all; it alone supplies immediate and decisive arguments with which to overthrow the adversary. Its victories, however, are frequently as ephemeral as they are brilliant, and many a principle which it has crushed for an indefinite period is now alive and strong. The reason is that there is another logic than the strict logic of concepts; there is the logic of life and reality, nature and reason, in the full and concrete sense of the word. Whereas dialectic demonstrates, with the easy clarity of its spatial language, the reciprocal impenetrability of the one and the many, the identical and the different, nature delights to combine them in her creations. To understand how freedom and duty can be associated, how a subject can be both his own master and obedient to a law, how a law can be, at the same time, necessary, and yet subordinate as regards its realisation to the caprices of individuals—this is a desperate problem with which logicians are confronted. But in the will of a right-thinking man, however ignorant he may be of logic, freedom and duty form only one. Pascal gloriously demonstrated how it is possible for man, with utter freedom and unyielding will, to love perfectly and freely what he is bound to love necessarily.

Now, what would happen if we applied to our subject, not abstract logic which descends from concepts to realities,

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but rather concrete and living logic which proceeds from being to concept, from realities to relations?

The first thing to do, when following such a method, is to ask ourselves if we are dealing with things that live and really are, that tend to subsist, to continue in being. In duly ascertained being, there is a value that is willingly recognised by a reason free from the prejudices of abstract logic. In destroying that which is, there is always a degree of temerity. The method required by the desire to attain effective perfection is the preservation and growth of being. *Ens perfectum, ens realissimum:* such was the doctrine of Leibnitz.

Now, both of the principles we are considering strongly testify to their vitality. Law, the expression of the collective will of societies, has become endlessly diversified, adapting itself to the beliefs, the geographical, economic and historical conditions, and the ends pursued by different states or communities. It has none the less preserved its essential characteristics: universality, obligation, and sanction. Being abstract and impersonal, it is imposed on all citizens alike; and, though admitting of numberless varieties and changes, it claims, at all times, in its actual form, absolute respect and obedience.

The individual conscience did not set forth its claim to existence and inviolability as soon as did the law. The ancients, for the most part, cared little about it. And yet, in such men as Socrates, Saint Paul, and Luther, it definitely manifested its power to be and to continue in being. At the present time it constitutes one of the most vivid realities with which we are brought face to face, and the man who means to respect what is before decreeing what ought to be, will look upon freedom of conscience as one of the essential conditions of political order within our modern societies.

Individual conscience and civil law: two living realities, therefore two beings in favour of which there is a presumption of justice.

These two powers, however, as they develop, impede and embarrass each other; the pages of history are filled with

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their struggles. It is not advisable to drive to extremes the horror of strife. There is something more to be dreaded than war, and that is peace purchased by the extinction of life and justice: *ubi solitudinem faciunt, pacem appellant.* War is not only legitimate, it is fine and noble when waged for the sake of human dignity, justice, truth, and virtue, in order to win for them a right to existence. By their mutual struggles, the individual conscience and the law have been respectively developed and strengthened. It is as a reaction against social oppression that the individual conscience has been awakened and has become powerful; for freedom, in this world, insists on being won: its true name is enfranchisement, and when it comes to be, it continues in being only through repeated conquests. War is not an accident in nature; it results from the fact that existence implies self-assumption, self-defence; there is only one way of giving up the struggle, and that is by disappearing altogether.

Nevertheless, it is impossible for man, a reasonable being, to look upon war as a solution; war can be no more than a natural phenomenon which has its part to play in the creation and development of human energies, but which must be utilised in view of some higher purpose. This purpose or end is the ever-increasing realisation of human dignity. With this in view, reason aims at transforming adversaries into co-workers. What will be the judgment of reason as to the respective value and rôle of conscience and law, which it finds set up as facts and as powers frequently opposed to each other?

It is unnecessary to enquire which, of these two powers, should be an end and which a means. Both alike are ends in themselves.

The law, regarded as the very spring of civilisation and humanisation, was a principle in the eyes of the ancients. Throughout its many transformations, it has remained a principle. Whatever the origin and object attributed to it, it possesses one characteristic which renders it incapable of being reduced to the will of individuals as such: and that

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is universality. It is the same for all, imposing on each person such conduct as is in conformity with the common good. It is the expression of a social order. A society, in any case, can never be simply the external, mechanical juxtaposition of individual atoms.

Again, the individual conscience is also an end in itself. To regard it as a means is to deny it. The greatness of a Socrates, a Luther, and a Pascal consists in having sought after truth with an absolutely free conscience, determined, as far as it could, to acknowledge no other law than the evidence imposed on it.

If conscience and law are two ends in themselves, does it follow that they must develop along parallel lines, without interfering with each other? or again, admitting that they belong to one and the same world, must they be content with a system of mutual limitations and compromises?

Such a system can be nothing else than an expedient, a last resource; for the individual conscience and the law are not only irreducible opposites; they are even inseparable from each other. Their mutual interpenetration is the condition of their respective development.

Law presupposes conscience; for, whether its aim be justice or utility—which, assuredly, differ only in appearance, as the ancients said—it has in conscience its original source, its supreme judge, its principle of life and of amelioration. Its prescriptions or commands, which nowadays appear before us as legal articles of the most abstract and precise nature, were at first individual and impermanent feelings and thoughts. And it is important that they should constantly be confronted with the living consciences of individuals, if we would not have them degenerate into scholasticism and routine. For such is the natural tendency of human institutions; they become detached, as it were, from the mind that gave them birth, and along the lines of an altogether formal logic become defined, systematised, and stereotyped, as though of themselves, into rigid, fixed forms. They then assume the imposing aspect of immutability, but as they remove farther and farther away

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from man, who is ever investigating and changing, they finally lose their spiritual significance and, becoming reduced to empty formulæ, cease to serve any useful purpose. It is by incessant contact with minds that are consciences, that the law remains concrete and living, capable of modification and amelioration.

On the other hand, the individual conscience cannot do without the law. It is idle to imagine a conscience capable of developing alone. No sooner does man claim to have transcended animality, than he has to make use of words, concepts and rules, consequently, of those abstract generalities of which law is the *résumé*, the most authoritative expression. From this condition no one can free himself; if a conscience could be strictly independent and individual, it would really be no more than a thought, abandoned to the hazards of extraneous suggestions, or of autosuggestion, which differs therefrom only in appearance. And just as the conscience realises itself only by working upon ideas, traditions and laws, so it cannot develop by regarding itself as its sole end. The work that fortifies it and confers on it true originality, consists in the effort to fathom the origin, signification and value of laws, in order to resolve them into itself, to criticise and improve them. There is a remarkable affinity between the strictly human conscience and the law. By making the law its study, the conscience is awakened; its work is to create laws. We know that Kant purposed to realise within himself the autonomy of the conscience in all its fulness; he found satisfaction only by imposing on himself stricter laws than the ordinary ones. It is by relying on the law that we make ourselves capable of transcending it; it is by laying down a law that is more universal, just and moral, more worthy of the name of law, that the conscience becomes more noble and free.

Hence it follows that, on the one hand, the law cannot stifle the individual conscience without being changed into a blind, despotic force: the more it guarantees the life, expansion and unfoldment—even though it be audacious

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and venturesome—of the individual conscience, the more rational, living and capable of progress will it be. On the other hand, the conscience cannot, without forswearing itself and being reduced to a state of isolation and impotence, either disdain or regard as purely external aids those laws that have supplied it with the fixed centre which its rational development needs. It is not in a spirit of transcendent disdain, but rather with the firm conviction of all there is of goodness and truth in the law, even though it sometimes expresses itself in unjust measures, that Socrates acquiesces in the death sentence pronounced against him according to the laws of his country. He hears these laws saying to him: To act as though thou wert on due equality with thy country and with the laws, to return them wrong for wrong, blow for blow, to attempt to defeat and destroy them, whereas, but for them, thou wouldst be neither a citizen nor a man, wouldst thou call that justice, thou who claimest to be enamoured of virtue?

In a word, we must abandon the convenient metaphor of the fortress, the intangible, impregnable sanctuary, closed against the law, but outside of which the law apparently holds sovereign sway. However cunningly the boundary line between the two domains be drawn, it will still be an artificial one. Man is a unity, like the world in which he lives. The conscience and the law are two creations of the mind, not two things that pre-exist and are mutually impenetrable. Look beyond metaphors, seek the real behind the abstract and the scholastic, and you will find that law and conscience blend together, that they are determined by each other. Here we have the key of history, here we have true logic, the logic of life and reason, not that of mere dialectic.

This penetration or permeation should be maintained, favoured and realised as well as possible in existing societies.

How far and in what way can and ought the law and the conscience to determine each other? This is the practical side of the question, one which cannot be entered upon in an introductory study such as the present; for the solution

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of this practical problem will necessarily vary with the extremely diversified conditions presented by existing societies.

In a general way, the relation to be established between law and conscience in any given society will depend, first, on the degree of reality, growth and vitality of each of these two principles. To maintain the progress effected on both sides, to open up the path to future progress: such is the rule to be followed.

Secondly, we must consider the conditions in which individuals and societies exist. One and the same development of individual or social life would not produce equally salutary effects in the various human communities. If the cohesion of the community is threatened, we must apply our best efforts to maintain it; if it is the dignity of the conscience that is in peril, we must endeavour to restore that dignity.

Thirdly, practical solutions will depend on the degree of harmony between individuals in the pursuit of a common ideal. For, to fathom the human conscience is not to encroach upon its autonomy when its promptings are satisfied; and, on the other hand, the law, without loss to itself, can set limits on its intervention when individuals, of themselves, are working efficaciously along the lines of the general will.

Indeed, while the principle of the relation between the conscience and the law is afforded us rather by life than by theory, *a fortiori* is this the case with the applications and adaptation of this principle to the varying conditions of existing societies. In such matters as these, which concern not only the systematic unity of our knowledge but also the moral destiny of individuals and nations, all the progress of science could not prevent the aphorism of Goethe from still being true:

> Grau, teurer Freund, ist alle Theorie,
> Und grün des Lebens goldner Baum.

EMILE BOUTROUX.

PARIS, FRANCE.

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CLASS CONSCIOUSNESS.

A. K. ROGERS.

THE term class consciousness is not wholly unambiguous, and I shall need to define the sort of considerations with which I am to be engaged. And I certainly do not mean to raise a question about the right of men to further their own interests, and, when they have ends in common, to recognize this community, and learn to act together to secure what they desire. What I conceive to be the practical meaning of class consciousness is this, but also something more. It is the disposition to find one's common interests in connection with a well-defined and exclusive group of other men, and to allow this special connection to dominate one's whole political outlook and activity.

In modern times, the term brings first to mind the so-called lower or proletarian class, although it is just here that the thing itself has been least in evidence in the past. On the other hand, class consciousness in the upper classes has always been a highly influential fact, which was so little talked about only because it could be so thoroughly taken for granted. It has had its effect less through conscious theory, than through the natural reaction of members of an aristocratic body against such of their number as took sides against their interests and privileges. A gentleman might go to almost any length in the way of mere immorality, and find himself less frowned upon by his associates, including his womankind, by far, than if he were to ally himself effectively with some attempt to blur the distinction between gentleman and common citizen.

It is only with the rise of modern democracy that class consciousness begins to loom up vaguely as a portent. Of the numerous criticisms made upon democracy, most came back in the end to this, that as soon as the majority discovered their power, they would at once rise up and expro-

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priate the helpless minority who hitherto had been running things. Now a prophecy, if dated far enough ahead, is always a pretty safe sort of argument; and this particular prophecy is still a favorite at the present day. In its earlier forms, however, it has clearly not worked out as was expected. That votes can be extended practically to everyone, and property still remain reasonably safe from the greed of the poor,—a thing which to many of the earlier critics of America was self-evidently impossible,—has been proved possible by the course of events.

Naturally this does not show that such is going to remain the fact indefinitely. All that it does prove, is that in a modern democracy the populace is not a mob, which spontaneously will flock to plunder as soon as the ballot is put in its hands. There is, as we know, a serious propaganda now on for doing what the critics held that democracy was bound to do; but the fact that it is a propaganda, and not a spontaneous movement, is significant, and is of considerable importance for an estimate of the expediency of the class ideal. It is recognized now that if the relatively expropriated class is really to be united so as to make its class interest predominant, the thing can be done only by a strenuous process of education. Men must be convinced and persuaded, and held against all the natural forces of disruption to a prolonged campaign of collective action. It is clear that this presupposes something quite different from a mob; it is the expression of a voluntary, and relatively rationalized, purpose. And when men have been drilled to common ends sufficiently for this, there is hope of bringing reason to bear upon them. They are capable of stopping to separate means from ends, and asking whether they are really on the road to the attainment of what they want; and when this question can really be put, and reflected upon, the first danger of the situation has passed. Of course if the interests of the majority, and those of a minority, are in point of fact genuinely opposed, there can only be one outcome. The majority will in the end get its way, and it ought to get it. But the assumption of the

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critic always is that the majority is going to work in a manner really prejudicial to its own welfare; and if this is true, it ought not to be impossible to show that it is true. If indeed a certain ideal situation were actually present, there would be serious danger. If the great majority of men were visibly and totally expropriated, so that they had everything to gain and nothing to lose, there might well be possible a ferocious and unreasoning combination to attack all existing institutions; though it might be remarked that in such a case there really would not be much to say in defense of the rational character of the institutions in question. But as a matter of fact this is not of course the real situation. The workingman is far from being without a stake in the country. He does not have much property, but he has some. His job doesn't suit him probably, but still it is a job; and his experience has led him to feel that a job is a good thing to hold on to until he sees pretty clearly ahead in the near future a chance to better himself. Indeed, the workingman with a little money ahead, and a family, is often inclined to be even timidly conservative, and the hopes of the agitator are constantly getting a setback from this, as it seems to him, irrational temper.

The possibility of drawing class lines in political action is always present so long as men do find themselves separated off more or less into groups marked by a conflict of interest. There is indeed a philosophic faith that if we could take an outlook broad enough, we should find everyone's good identical with that of everyone else; and it is no doubt true that there is a very large measure of actual identity between the interests of different people. We are all benefited by the extension and bettering of education, the growth of the arts and sciences, the wider distribution of the amenities of social life, the prevention of useless noise and disorder. Other things being equal, it is to the advantage of everyone that prosperity should reign, and business hum. But a contemplation of these commonplaces, when steadied by a certain degree of satisfaction with one's own lot in the world, has not infrequently carried the enthusiast

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too far. He has let his academic vision of the common good blind him to the actual existence of strong antagonisms on the stage where men actually play their parts. Methodists and Baptists and Presbyterians do not now constitute classes in the political sense, in spite of the fact that they represent groups of men bound together by common ends in separation from other men, because, except to the high theological mind, it is not obvious that the Baptist is any the worse off for the prosperity of the Methodist church around the corner; and accordingly we should all object if Baptists were to go into politics as Baptists. We don't expect, in art or philosophy, to see rival schools forming political combinations, because so far are such groups from limiting one another, that they are quite necessary to the highest enjoyment of each. It would be but a drab and solemn world to the philosophical realist, or the cubist, did he rule alone with nothing to do but slay dead dogs over again; to say nothing of the inroads which a cessation of literary and philosophical and artistic quarrels would make upon the gaiety of nations. But if by any chance the good at which all are aiming became a limited good, the situation would alter, and the dictum that the interest of one is the interest of all would need reconsideration.

And this fact, out of which class affiliations grow, suggests also the main point of advantage to be attributed to them. If we are going to make changes to any real purpose, the first requisite is that we should be able to render our issues definite; and definiteness at any rate is secured when we follow the lead of self interest. If we were in possession of the ideal social goal, and all that was needed was to stir up men to its attainment, then private claims might be only a hindrance. But since the goal is hidden, and we are groping our way to it without full vision, it is hard to see how we ever should be able to direct our steps without following the lead of these personally felt demands. Certainly the alternative way of leaving people to discover their neighbors' needs would not seem to carry any better

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promise of success. The more strongly a man feels an interest to be his, the more definite is the thing he will go after, and the more decisive, therefore, is the test to which the desire can be subjected. Compare with this the fumbling and inconclusive character of most speculative and academic proposals,—proposals, that is, which attempt to abstract from the interests of anybody in particular, and settle the destiny of mankind on the principles of impartial reason.

It is, however, as I have remarked, sufficiently clear that not all differences between men are relevant to the growth of a class consciousness in the political sense. Indeed I see only two things that appear to have any natural tendency in this direction,—power, and money. And in these latter days, when brute physical force by itself is politically negligible, and special privileges before the law have been approximately done away with, the first of these is pretty sure to reduce itself to the second. Apart from financial inequality, there is very slight ground for fixed opposition between groups. The schools into which intellectuals are divided do not lead to this. Neither do occupational differences in themselves. Doctors do not set themselves against lawyers as such, or shoemakers against tailors; for shoemakers need tailors, and tailors shoemakers, lawyers need physicians, and physicians sometimes need lawyers, or think they do. But the same thing does not hold of the distribution of money rewards. The total amount of the industrial product may be influenced by a great variety of factors; but given the product at any particular moment, it is apparently a matter of arithmetic that interests are not identical. The more for some, the less for others. It is the financial basis, accordingly, on which contending political classes ulitmately rest.

And this calls attention, in the first place, to the fact that effective political classes are artificial. They cut across the complex interests of man's life, and isolate one from out this complex, which then is made to legislate for all the rest. Whatever the apparent tactical necessity for a hard and

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fast combination here, it seems obvious that it runs the risk of sacrificing other demands. It will hardly happen that a man's best good in every direction will always coincide with his interest in increasing his income; and consequently to make this the fundamental principle for governing his political action is bound to be narrowing and artificial.

There is a second drawback, which will appeal more strongly to a man the wider and more independent his nature. Closely drawn class lines inevitably represent the spirit of militancy; and warfare always carries with it certain undesirable consequences. It necessitates a very large encroachment on personal independence of thought and action. When everything has been subordinated to one end, which end is to be attained by fighting, it is unavoidable that party discipline should be very strict. You must, to begin with, be perfectly and unqualifiedly certain of the worth of your party end, otherwise you do not belong to the party at all, and are not encouraged to stay. Both socialism and militant suffragism recognize the need, for their purposes, of such a final and definitive confession of faith. The result is that dogmatism, and a refusal to examine first principles, become a moral duty; and history does not make it clear that this is the most desirable frame of mind. It is this which has been in the past the particular vice of the religious temper; and it is worth noticing that party socialism, usually a severe critic of religion, is in a special way the movement which has inherited most of that spirit of intolerance which religion is gradually shedding. And besides having to put oneself in a not altogether desirable frame of mind at the start, class warfare makes it necessary further to subordinate the spirit of disagreement as one goes along. A man may have very positive opinions about questions of method; but he must fall in line with the ruling majority, or his company will not long be wanted. It is not difficult to understand why Socialism, again, has shown so great a tendency to split up into sects; the difficulties are very great for the persistence of a militant

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minority within a class conscious organization. With a great purpose to attain under militant conditions, men, it is felt, should be willing to give up their private judgment, as actual warfare is generally not thought to be the time for airing differences of opinion. The more class solidarity is put into the foreground, the more this sense of restraint upon individual freedom is bound to assert itself; and it can hardly fail to have unfortunate results. The more energetic natures, unless they are turned into the doubtful paths of the demagog and dictator, will be repelled by the need that they submit themselves to an over-strict restraint; while in the case of others it will mean the exaggeration of mental habits to which mankind is already too prone,—partisanship, unwillingness to consider the other side, and the substitution of action for discussion. And among outsiders, the loss of good will is sure to be considerable. Any group of men with a show of justice on their side are certain of a fairly widespread sympathy beyond their own circle; but the stricter class lines are drawn, the less vigorous is this appeal. Many votes that might have been won for some measure in particular which is approved, will fail to materialize if the insistence is on an entire program or nothing. A class may not care for outside help; but at least it is evident that in proportion to the violence of the appeal to class consciousness, the unlikelihood of getting it will increase.

Now this last point reverts to a matter which needs some further consideration. Allowing that drawbacks exist, it may be said, what else is there left to do if we are to get our rights, except to combine with others who suffer the same deprivation? Of course we *must* combine; but I wish to call attention to the alternative way of combination which the theory of democracy provides.

It has been customary from the start for critics of democracy to assume that the rule of a majority is interchangeable with class rule. So Professor Barrett Wendell, for example, to take a recent instance, argues that majority rule is unjust. What it really means is legislation by a

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single class,—the so-called lower class, I suppose,—since wealth, ability, and education will always be in a minority; whereas justice demands that every class alike should have its say. This obviously is using the word "class" very loosely. There is no class, in the political sense, of the average man, the man in moderate circumstances, the educated or uneducated man. That property and special capacity should have weight in determining the affairs of the nation is of course to be admitted; but most people have suspected that they already possess such influence. And as I have already noted, the fear lest majority rule may mean the rule simply of the special class of manual laborers seems more academic than real, unless indeed we call it being ruled by the laboring class to be forced to consider its interests as well as our own. Meanwhile the idea of government through a balance of classes fails of entire clearness. The claim that all classes should be represented has its most obvious historical meaning in terms of a situation where considerable elements of the population are deprived of the franchise. Such men by the very fact of their disfranchisement, though usually for more fundamental reasons also, constitute a class; and the demand that they be represented means no more therefore in the first place than that as individuals they should be allowed to vote. This, however, is quite different from Professor Wendell's claim, which is intended as a weapon *against* the democratic tendency to enlarge the franchise. Alarmed by the early encroachments of popular power, advocates of the *status quo* sometimes suggested meeting it by "class representation." Their idea apparently was that the masses would be satisfied if only they had men to represent them in the national council; meanwhile the special interests of the numerical minority were to retain a large enough number of representatives to outvote them. Of course if groups of men, not individuals, are represented, the numerical superiority of a given group might easily be rendered innocuous. This is for example the gist of Sir James Mackintosh's political theory. It has a specious appearance of justice;

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but in reality it is simply the old claim that power ought to reside in the "safe" minority, which has only to be put in plain language to be certain of rejection by modern democracies. Meanwhile the theory of democracy deprecates the whole notion of classes. It holds that a man has the right to *vote*, not to elect a representative. If he wishes to combine with like-minded persons to try to put in some one who shall represent them in some special capacity, he of course has the privilege; but he has to take the chance of being able to secure a majority. What ideally he and his fellows are encouraged to do, however, is not to split up into as many factions as there are separate interests, but rather to sink minor differences by combining on a more comprehensive program, and so endeavoring to enlarge the unity of aim among citizens.

Democracy, then, or the theory of majority rule, expressly discountenances the idea of hard and fast class lines, and encourages instead a fluidity whose aim is to give rational considerations, not selfish interests, a preponderating influence in the long run. This appears clearly, in theory, in connection with the idea of popular *responsibility*. The criticism of majority rule rests very largely on the assumption that it is irresponsible. If the people were a unit, there would be no further question of responsibility; no more ultimate court of appeal exists. But in practice "the people" always means a majority of the people, to whom a minority stands opposed. Representatives can be effectively responsible to the majority which elects them, because in this majority superior force is located. But there can be no responsibility, of the same literal sort, of the majority to the whole people, and therefore no legal responsibility at all, since when it is divided into factions the people as a depository of *force* has no reality. Mathematically the whole people are stronger than any majority. But to exert this power they must be unanimous; and then the situation would be entirely changed, and the supposed majority, as an entity opposed to the whole, would have no existence. But if a majority is not responsible, how is

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it ever likely to develop that political morality which is essential to good government?

The dilemma, however, is only an apparent one. Although in a legal sense there can be no authority superior to the will of the majority, in a more indirect way this can still be said to be responsible to the people, and political institutions can be arranged to make this responsibility effective. And the success of this depends on the degree in which the majority is, not a permanent, but a fluctuating thing; so that although, while it remains a majority, it can do its will, it yet is restrained by the knowledge that if it does certain things it will cease to be a majority, and become a minority. This is due to the fact that ideally in a democracy reason and discussion, rather than brute force, is the ultimate court of appeal, and the consequent need for a majority to keep its actions in some degree within the bounds of reason, under penalty of losing its strength. Democracy is not the rule of *the* majority, but of *a* shifting majority. Every instrument of publicity, and every growth in intelligence, is therefore a limit upon the actual, as opposed to the theoretical, power of any party in control. That which constitutes a majority is not a fixed personnel,—this is extremely fluctuating,—but certain purposes and opinions that hold men temporarily together; and the operation of these is under ordinary circumstances so delicate and subject to variation, that only blind prejudice can fail to see that it is suicidal to press the temporary power they give beyond a certain indefinite limit.

Now it seems to me that the advocates of a class conscious proletariat are repeating the illusory identification of majority rule with class rule, and so are overlooking a road to the attainment of their wishes which not only is in principle more rational and equitable, but which also, in view of the plain fact that no well defined and compact class constitutes an actual majority, is a safer path to the righting of injustices. The best chance is offered, pretty clearly, for genuine progress, when the freest possible play of private interest and points of view is combined with circumstances

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which insure that these shall meet one another in the first instance on the field of reason and intelligent discussion. A strict class alignment may be, conceivably though not probably, favorable to the former end, but only at the expense of the other; and the only evident way to reconcile the two is by a more serious endeavor to live up to the principle of democracy. Having primarily to convince a number of people sufficient to form a permanent majority, the emphasis would have to be upon those rational considerations which constitute justice, instead of upon a foregone conclusion which does not even pretend to be careful of the supposed interests of other groups. If really the claim of the exploited is a claim of justice, it would seem undesirable not to keep this as much as possible in the foreground. The more the emphasis is placed on the class, the group of men affected, rather than on the nature of the particular right which is claimed, so that their interest appears to stand apart from the interest of others, or the more hostility is directed to the personal make-up of the opposing class instead of to the special privileges they are claiming, in short, in so far as the situation is made to approximate to the irrational standards of a state of war, the more danger there is that its larger rational aspect will be side-tracked, and a pugnacious and intolerant habit of mind developed which is prejudicial to both parties alike. To the complaint of the radical that the way of reason is too long and tedious, and that something more summary is called for, the answer is, that facts do not seem to warrant the confidence that these more summary methods will succeed. Since there appears very little likelihood under present conditions that a secure majority can be obtained for anything that approaches the revolutionary without the aid of members of other classes, to say nothing of the need of other than purely selfish appeals to enlist the full vote even of the class directly concerned, the method of persuasion might seem even from the standpoint of good tactics preferable.

My general conclusion is, therefore, that social progress is best advanced by a political system which encourages

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the growth of an intelligent and convinced majority, and then puts them in a position to insure that their conviction shall be honestly and promptly carried out. And in conclusion I may refer very briefly to a proposal which is not indeed intended to promote class differences, but which looks to me very likely to have this effect. The suggestion that we should arrange to give minorities representation in our legislatures seems on the surface a fair one; and indeed it may do all that its advocates claim. But on examination its case does not appear altogether clear. Of course in terms of the party system *the* minority has representation now. If a man's own candidate is not elected, there are other districts in which the relative strength of the parties is reversed; and through this a minority representation is built up which is, or conceivably could be made, roughly correspondent to the number of voters on the two sides. It might be said that a voter's purely local interests are not adequately represented by a legislator from another district. But his local interests, in so far as they are legitimate interests of the community, are in most cases sufficiently taken care of by the local representative of either party; and the notion that legislatures should be the meeting ground of conflicting local interests, bent on making the most advantageous deals, is anyhow of dubious validity. But what the device in question looks toward is apparently something more ambitious. It would have representatives stand, indeed, not for local interests, but for large and more or less principled differences of opinion, as in theory our parties now do; but it would extend the participation of such differences in legislative action, by giving opportunity to an indefinite number of minor points of view.

Now what is the nature of the groups which it is likely would secure minority representation. Probably there would always be a few causes capable of attracting a large following by their sheer eccentricity. Not separated from these perhaps by any very sharp lines, would be one or more large moral issues, of the sort that satisfy the deep-seated human craving to do good to our fellow beings, at

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a minimum of personal expense. But the greater number would almost certainly stand for selfish interests, or classes. It is not academic differences of opinion that in the main is going to determine the grouping of voters, but conflicts, real or apparent, in what they conceive to be to their personal advantage. These may be guided by familiar lines of formulated political or economic doctrine of a more or less disinterested and academic sort; but they will hardly be created by these to begin with. Accordingly we are led to inquire how the case stands on the *legislative* side for any scheme which tends to encourage class differences.

The advantages that might be claimed for such a scheme are, as I see it, mainly twofold,—that it would result in the election of an abler type of legislator, and that, with all the main conflicting interests personally represented in legislative halls, we should stand a better chance of getting really adequate laws. Now it is to be premised in the first place that minority interests are anyhow not going to be entirely neglected because they do not have a seat in Congress. A man's salvation, and the salvation of his opinions, ought after all to depend more upon himself than on a representative; and there is still left open the real business of a minority, which is not to force things through the legislature upon an unwilling public, but to grow into a majority by influencing public opinion. Meanwhile suppose that, prior to convincing the country as a whole, a few prohibitionists or single taxers could be assured election. Doubtless they might make good average legislators, and their special outlook might even now and then be of advantage to the cause of sound government; but how would the political situation as a whole be benefited? As a minority, they either would be quite powerless to effect their peculiar aims, or else they would be strong enough to force some sort of a crude compromise as a price for their support in other matters; but until the preliminary work of gaining public backing is accomplished, they could not, and it is not desirable that they should, make any real legislative progress. And the work of public education really belongs elsewhere;

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to give a man the opportunity to take up the time of his colleagues by discussing an issue not practically pertinent, at the expense of the real business they are paid to carry out, neither recommends the issue, nor serves any other useful purpose. And the more you multiply the number of the interests to be listened to, the more, it would seem, are you lessening the likelihood of efficient legislation. Especially is this likely to be the case if it is differences of fundamental aim that minority members represent. It at least is an arguable thesis that we have the chance of the best results when legislation depends rather on the deliberation of men chosen to accomplish a relatively specific task set for them by the majority judgment of the nation, than when the legislature is an arena within which the nature of the goal is thrashed out by hired advocates: and so far as this is true, the policy of concentration, with the representatives of the majority in control, is better than a wide scattering of interests. With a strong opposing party responsible for defending the other side of the question, we are apt to get the one main desideratum—full discussion; and we lessen the risk not only of confusing the issue, but of encouraging the unprofitable sort of compromise to which the need of conciliating a large number of conflicting demands is almost sure to lead.

And furthermore it seems rather probable that the more specifically we set out to secure representation of minorities, the more we should be likely to find political opinions hardening into dogmas, and passing from an open-minded insistence on large matters of principle, to a partisan attachment to some pet scheme of method which the representative is chosen to advocate. But a difference of opinion about methods we are already likely to find sufficiently present in existing legislatures, in a more fluid and therefore more desirable form. Besides, the attitude here involves some inconsistency. If the voter is competent to decide about methods, it might seem that he ought to do it directly, and not elect a number of men to fight the thing out all over again; and if he is not com-

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petent, neither is he fitted to elect representatives on such an issue.

But now while I think that such considerations as I have been advancing justify themselves in the long run as against the expediency of class conscious propaganda, it would be foolish not to see that there are conditions under which they are bound to be a mere waste of words. Under certain circumstances nothing will prevent the development of a narrow class consciousness. But if, as beings of superior rationality, we deplore this, it is well to determine where the main responsibility lies. The necessary fact is this: whenever any number of men feel that, in a sufficiently important manner, they are being discriminated against, and shut out from privileges which others enjoy, they will inevitably, in proportion to their intelligence and means of co-operation, find themselves developing a special class spirit. But if one is inclined to complain about it, he should direct his complaint to the right party; and the fault lies, not with the militant class itself, but with the other class, frequently the complainant in the case, which by arrogating to itself special privileges precipitates the conflict. Accordingly while one may offer good counsel here—always an easy thing to do,—he need not be surprised, or particularly resentful, if his advice is not taken. He may even feel that there are occasions where the advice tends to be impertinent. There are grievances so great, with the peaceful remedy so apparently remote, that even the philosopher may feel like throwing his judicial temper overboard, and applauding a single-minded and bitter state of revolution. And indeed, since everybody knows that men in authority are by nature slow-moving bodies, that reason and justice do not always seem to them more important than expediency, and that the willingness and ability to make trouble often stands a complainant in good stead as a discourager of apathy, it is not apparent on what grounds one can ever wholly rule out the appeal to factionalism and turbulence as a legitimate weapon. Inevitably, however, with the advance of civilization, the apparent

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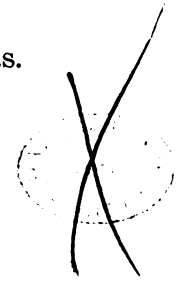
expediency of this grows less convincing, as temporary conditions become more endurable, the chances for a remedy through peaceful or semi-peaceful means more promising, and, in particular, as the permanent source of remedy more and more plainly lies not in the mere abandonment of special privileges, but in the reconstruction of intricate social and industrial conditions where a failure of reason is sure to injure everybody concerned. One can hardly perhaps subject a feeling of grievance to the niceties of argument; but it does seem that a bitter temper, and the inclination to set one's own ends in antagonism to those of others, lose their justification under such circumstances. The militant revolt of women, for example, in its later stages, seems rather forced and hectic as serious grievances due to a lack of the ballot become more difficult to find, and as the prospect of being able to persuade a not specially unwilling male sex grows by leaps and bounds. Certainly it is arguable that the English suffragists were making headway by keeping their temper, and making their enemies ridiculous; no one except the politicians particularly objected to a warfare carried on in so amusing a fashion. And this is not the least of the drawbacks which the insistence on a strenuous class warfare is likely to entail, that it will interfere with that sense of humor which is among the most powerful of political weapons. The too deadly earnestness of the advocate of a cause is often one of the reasons for his lack of success, as it is indeed a reason why, for the security of the rest of us, he ought not to succeed; a sensitive conscience against extremes, and a recognition that no one cause takes precedence over all other causes put together, is as a means of social advance only second to the necessity of a genuine and firm conviction that this particular cause is nevertheless really important, and worth going after.

A. K. Rogers.

Yale University.



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SOCIAL FORCES AND INTERNATIONAL ETHICS.

HOWARD C. WARREN.

IN EXAMINING the attitude of thinking men toward the present war, one is struck by the prominence given to ethical considerations. A mass of books, magazine articles, pamphlets, and editorials have been written in the endeavor to fix the responsibility for beginning the war, or to establish the guilt of one side or the other in its actions during the conflict.

Among the belligerents, writers belonging to one group of Powers inveigh against their adversaries for violating a solemn treaty and invading an unoffending neutral nation, or indict them for barbarous modes of warfare. Those of the other group condemn their opponents for illegal blockades or for interference with neutral mails and commerce on the high seas. One party claims to stand for freedom and self-government, the other for discipline and organization.

Even thinkers in neutral lands are prone to measure the situation by ethical norms. There is no question but that the sympathies of millions of Americans were definitely turned in one direction at the outset by the German invasion of Belgium. It would be difficult to determine how much of this feeling was due to the broken treaty and how much to sympathy for the weaker nation.

It is obvious that citizens and subjects of the Powers actively engaged in the conflict see the situation from a sharp angle. From their viewpoint certain factors appear distorted; the bearing of some events on the general situation is unduly magnified, while the significance of others is missed completely. But the eye of the neutral observer is not at the edge of the field. His perspective need not be at fault, like that of the combatants. Nevertheless we find almost as much disagreement in discussing the ethical aspects of the war on this side of the water as abroad.

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A pamphlet recently issued by a number of prominent Americans residing abroad illustrates at once the powerful influence of ethical motives in determining one's view of international relations, and the lack of historical perspective which an emotional attitude may produce. The writers urge Americans to abandon the position of moral neutrality. "Can we blame England for honoring her signature to the guarantee of Belgian neutrality?" "Can we blame France for resisting invasion?" "Can we blame Russia, a great state, for championing Servia, a small one, of kindred race?" "The present war with all its horrors is actually due to Germany. But for the two initial crimes committed against the liberty and integrity of small states, the Allied Armies would not be to-day in the field." "The President in his note of last April . . . convicts the German government not only of crimes of the most brutal inhumanity, but of the violation of its pledged word and of deliberate lying in the matter of the *Sussex*." These quotations sufficiently indicate the trend of the document.

Some months ago the present writer in an "Open Letter" to a colleague ventured to express the opinion that our own country was not interested in the victory of either side. He suggested, among other considerations, that the neutralization of Belgium was part of the European scheme for maintaining the balance of power, a policy in which this country has never participated; that the treaty was entered into by each of the several Powers for its own self-interest, and not through sympathy for the Belgians themselves.

This letter was circulated privately among the membership of the American psychological and philosophical associations. The replies elicited might be worth publishing some day as a contribution to the study of individual psychology. They range all the way from uncritical flattery to scandalized expostulation.[1] The chief point of interest in the present connection is that the men addressed were all by profession students of human nature, investigators of

[1] A Scotchman—a philosopher—to whom a copy of the letter was inadvertently sent regarded it as a personal insult.

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social problems, or explorers into the underlying principles of nature itself. If these specially trained thinkers exhibit such widely different standpoints, if they are unable to agree on any basal judgment in such matters, how can a judicial decision be expected from the plain man in the street? If preconceptions and distorted perspective prevent the philosopher and the psychologist from studying dispassionately the meaning of the Great War, is there any prospect of a rational attitude on the part of the unenlightened majority who (in theory at least) govern the policy of democratic nations?

A fundamental difficulty in reaching agreement on international issues along ethical lines is the absence of any definite center of moral orientation. What is "chivalrous defense of the weak" to X, is "hypocritical self-complacency" to Y. What is "self-preservation" to Y, is "agression" to X. So long as we attempt to interpret international crises in terms of ethical values, our judgments are hopelessly at variance.

The only solution to the deadlock, in the writer's opinion, lies in a complete change of attitude toward the great social forces which manifest themselves in wars and in the governmental policies which lead to warfare. If our best thinkers cannot agree as to the "right" and the "wrong" of these social manifestations, it is at least a plausible assumption that the nations which are brought into conflict by clashing ideals *are not governed by the same ethical standards.* If the student of social phenomena concludes that the present war, for example, embodies a struggle between two conflicting ethical systems, it surely devolves upon him to measure the situation from a standpoint apart from his own traditional ethics; indeed, he may find no alternative open but to judge it from a wholly non-ethical standpoint.

As a matter of fact the ethical standpoint has been largely abandoned in our interpretation of past historic movements. The historian no longer pours invective upon William and his Norman hosts for their ruthless conquest of England. In our own land North and South are beginning to join in

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doing honor to both sides in the Civil War. For the most part it is only *contemporary events* or those of our own generation which call forth the ethical judgment.

In the present case a moral interpretation is peculiarly inappropriate. Is it likely that an entire half-continent of civilized nations—either the Entente or the Central Powers —should suddenly go "plumb wrong?" Is it not a saner, more reasonable attitude for the social scientist to treat war and all such massive commotions of human groups, whether in ancient or modern times, as manifestations of potent social forces?

Perhaps the best practical cure for the ultra-ethical attitude toward contemporary history is to compare present events with similar occurrences in the past. Let the American who discourses so vehemently against the invasion of Belgium examine the history of our own treaties with the Indians. It is not altogether a question of whether one should deal differently with civilized and uncivilized races—it is rather a question of the inviolability of a solemn treaty. What civilized nation has not at one time or another broken its agreements? And do we not find instances in every generation of the invasion and forcible annexation of lesser states by greater? California, Alsace, the Transvaal are fairly recent examples as history goes. Even the strictest moralist would not expect that a complete regeneration of international ethics could be effected between 1900 and 1914.

The writer would not wish to be reckoned a disbeliever in group morality. The present outcry against national disregard for the ethical standards which hold among individuals, is indeed a sign of progress in the "right direction." Nor is he quite skeptical of the help afforded to the evolution of national morality by these vehement individual protestations and indictments. The preacher and the prophet are real factors in national life. National sentiment is molded by a few individuals who think and speak, just as military campaigns and political policies are directed by a handful of leaders.

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But where international morality is in question, the average ethical teacher finds himself quite beyond his depth. His criticisms and his judgments are beside the mark, because they are based upon a single code. He is bound to the standards of his own nation or his own particular "school," while it usually happens that the several nations concerned are following very different standards.

A problem in ethics is far from being a mere question of the facts. It is largely a question of values. An old lady watching her first base-ball game declared that the home team had the best pitcher, because he hit the bat every time, while the visitors' pitcher usually missed. Her statement of fact was quite correct, but her appreciation of values was wholly at fault. Before condemning a nation for its policy towards its neighbors or for its methods of conducting war, it is of prime importance that we study that nation's *ideals*. Else we are striking at an opponent as reflected in our own mirror.

The fallacy of much of the discussion concerning the responsibility for the present war, even by those who profess to have studied the philosophy of history, lies in the fact that they confine their study to the week, month, or decade before the war started. The German invasion of Belgium, the Russian mobilization, the Austrian ultimatum, the execution of the Archduke in Bosnia were all potent factors, no doubt, in bringing about the crisis. But the effective causes of the war extend back a century—perhaps centuries—before these special occurrences.

The ideal of *conquest* has pervaded European national and tribal life since the dawn of history. This has found historic expression in both *centralization* and *subjugation*.[2] These two tendencies manifested themselves during the past century in struggles for national unity and in colonization; they are trunk roots of the present war. Since Napoleon's time, at least, a contest has gone on between forces striving to form a great United Germany and counter-forces

[2]How far these impulses also dominate American national development would form an interesting study. We cannot discuss it here.

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striving to thwart it. An equally potent force has been the tendency toward building up great colonial empires. The impulse toward external expansion, checked in the Western hemisphere in 1776 and 1820, was later renewed in Asia and Africa; it has been a leading motive in international politics for at least the past thirty years. To the student of history these ideals, these modes of expressing them, and the international friction to which they have unavoidably led, made the Great War of 1914 highly probable *some time* during the present generation. It is perhaps too much to say that the war was inevitable. But the situation is not unlike that of a vehicle standing on a railroad track. It invites collision.

Tracing the path of events further and further back into the haze of time, it seems a mere waste of breath—or ink—to discuss the responsibility of individual nations for beginning the present war. When an avalanche overwhelms and demolishes a chalet, it is of little moment to determine which stone struck the roof first. The attempts to distribute praise and blame in just measure among the Powers belong to by-gone generations. They smack of the age when Xerxes lashed the contumacious waves and happy parents gave thank-offerings to Juno Lucina.

International conflicts are not so much moral events as they are the clashing of social forces. Their true significance can only be appreciated from this viewpoint. The two contending forces in the present war seem to be *organization* and *individualism*. We of the Anglo-Saxon race are historically predisposed toward individual liberty; this accounts in part for the warm personal sympathy of the average American with the cause of the Entente. On the other hand the war has brought into high relief the marvelous efficiency of German organization; we cannot but express our admiration for the industrial and economic system, and our amazement at the military system, which has made that nation well-nigh invincible. May we not be sentimentalists enough to hope that when peace finally comes the best in *both* principles will be preserved—that efficiency and

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liberty will somehow be amalgamated in the social organization of nations generally?

From the sociological standpoint the present conflict shows at least one hopeful sign. If wars are manifestations of social forces, they are likely to persist only so long as one side or the other may expect to *gain some advantage* from armed warfare. What prospective gain is there for either side to compensate for the tremendous wastage of life and property?

HOWARD C. WARREN.

PRINCETON UNIVERSITY,
December, 1916.

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NIETZSCHE AND THE WAR.[1]

WILLIAM MACKINTIRE SALTER.

I.

THE present European War is sometimes closely connected with Nietzsche. It is even called "Nietzsche in Action," or the "Euro-Nietzschean (or Anglo-Nietzschean) War."[2]

In speaking of it, or of anybody's connection with it, one goes on the basis of a certain view of it—and I am obliged to give briefly my own, contestable as it may be. To me the war is a not unnatural outcome of the working of a certain set of conflicting national interests. In Servia there was a Great Servia agitation, which became inevitably, in a measure, directed against Austria-Hungary, since the latter included Bosnia and Herzegovina, mainly populated by Servian stock. Austria-Hungary as inevitably looked askance at the agitation—its success would mean her partial dismemberment. If, however, she should attack Servia, Russia, as a sister Slav State, and with ambitions of her own in the direction of Constantinople, would come to Servia's assistance; she had yielded to Austria-Hungary, when the latter had annexed Bosnia and Herzegovina—she would yield no more. But if Russia took sides against Austria-Hungary, Germany, as kindred to Austria-Hungary, and with desires and hopes of her own in the direction of Constantinople and the Near East, would intervene for her. With Germany aligned against Russia, France was bound to be drawn in—she was Russia's ally, and, moreover, she wished her lost provinces back,

[1] An address given to the Societies for Ethical Culture in Philadelphia, Wilmington, and Chicago, also at various colleges and universities, in November and December, 1916.

[2] So an article in *The Unpopular Review*, January, 1915, and advertisements of *Why We are at War*, by members of the Oxford Faculty of Modern History, in *The Nation* (New York), September and October, 1914.

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Alsace and Lorraine, and war would be a chance to get them. England's hand was freer and all her immediate interests lay in peace—she already had "control of one fifth of the earth's surface and the care of one in five of all the inhabitants of the world";[3] yet she could not contemplate with serenity the rise of an overtopping power on the continent, and Germany might prove such a power, if there were a general Continental war, and she stood quietly by.[4] She had fought Spain, Holland, and France in successive centuries from such motives; in the American Civil War she desired "the severance" of our country as "a diminution of a dangerous power";[5] and an overshadowing Germany at her very door was an intolerable thought. She would move reluctantly, but she would move, if Germany drew the sword.[6]

Unhappily, this train of possibilities anticipates the actual course of events. One situation involved the next—the peoples and their ambitions or interests being what they were. It does not appear that any people wanted war, unless perhaps Austria against Servia, and Germany and

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[3] So Lord Roberts, *Hibbert Journal*, October, 1914, p. 15.

[4] Cf. Lord Roberts, *op. cit.*, p. 12. In the middle of the eighteenth century Lord Chatham had said, "The only danger that England need fear will arise on the day that sees France attain the rank of a great sea, commercial and colonial power"; it matters little that Germany now took the place of France, and Lord Palmerston once declared, "It is a narrow policy to suppose that this country or that is to be marked out as the eternal ally or the perpetual enemy of England. We have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow." In somewhat the same spirit France had desired to prevent the rise of a powerful Germany, Thiers saying in the French Parliament in 1867, "A fundamental principle of European politics has been at all times to keep Germany in its previous condition, namely, divided into a certain number of states united only in the bonds of a confederation; to consent to German unity, even if we receive an enlargement of territory in return, is to consent to the abasement of France—hence we must oppose it, in the name of French interests and of the European equilibrium." (Schlosser's *Weltgeschichte*, Book VII, p. 344.)

[5] This was the language of Mr. Gladstone, then a member of the Government.

[6] Cf. the predictions of the Russian Minister for Foreign Affairs, as reported in the *British White Paper*, No. 17, and Sir Edward Grey's speech, August 3, 1914.

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England, if not Russia, strove to keep the conflict between Austria and Servia within its local limits;[7] so little did Germany wish to fight England, that she only hoped that England would not fight her—and yet all preferred the risks of war rather than not put their interests through. We might almost say that the war was in each case defensive, even in Austria's; it simply happens sometimes that offense may be the best defense. I do not dwell on the Archduke Ferdinand's assassination or Belgium's invasion; they were minor causes, or occasions rather than causes—we now know that a year before the assassination Austria was ready to take up arms against Servia[8] and also that even if Germany had been willing to respect Belgian neutrality, England was not willing to agree to stay her hand.[9] Delay, particularly on Germany's part in declaring war, might have changed matters, but we do not perceive the full tragedy of the case till we see that it was just the apprehension, the fear, the tension of the parties concerned that forbade delay.

If I am right in this analysis, the war is at bottom a gigantic struggle of conflicting national interests. Each nation thought of itself only, put its own interest before anything else in the world (save as self-interest begot alliances); they distrusted and feared one another; there was no common bond between them—there was no common aim from which a common bond could arise. The war proves that national sentiment is now the strongest sentiment in the world. Christian ideals go down before it—

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[7] See not only the introductory statements of the German *White Book* and Annexes 13, 15, 19, 22, but also the British *White Paper*, Nos. 107, 108, 110, 111, 118, 121; and further a despatch of the German Chancellor to the German Ambassador in Vienna, July 30, 1914, in which he said that Germany must "refuse to be drawn into a world-conflagration through Austria not respecting our advice" (printed in the *Westminster Gazette*, August 1, 1914, and acknowledged by the German Chancellor in a speech before the Reichstag, August 19, 1915—see *Deutsche Reichsanzeiger*, No. 196, August 20, 1915, also the *Kölnische Zeitung* of same date).

[8] So ex-Premier Giolitti in the Italian Chamber, December 6, 1914.

[9] Cf. British *White Paper*, No. 123, also the general language of Nos. 24, 25, 59, 87, 89.

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Christianity is practically reduced to a set of national religions, as in the antique world; Socialist ideals equally go down before it; nothing conquers it, and it conquers everything. Yes, such is its pressure that men of letters and men of science in the various countries turn against one another and belittle one another—all their former respect for one another undergoes a sea-change; even artists do not escape the tremendous tide. If a man does not join heart and soul in the national cause, if he has scruples and reserves, if he sees some good in the foe and thinks that other lives may be precious besides those of his own people, if like Romain Rolland he dares to call young soldiers of all the nations his brothers and to lift himself above the *mêlée* he becomes suspect to his countryman, and is cast out, or frozen out—I have heard it said of certain Englishmen now that they are "never mentioned."

Such and so grounded, appears to me the war. There have been abhorrent developments in the struggle—things that, if there had been a will to a clean and honorable war, would not have happened; but I do not enlarge on them—in their wandering mazes would one be lost; it is the essence of the phenomenon that I am trying to grasp.

II.

What now is the relation of Nietzsche to it? Or rather first, what is the real mind and spirit of Nietzsche? He was born of pious parents—essentially religious by nature. His first thought was to follow his father's calling, who was a pastor, but doubts assailed him—he was thoughtful and speculative from an early age—and by the end of his first semester at the University, he definitely renounced his first intention, and turned to philology and philosophy. He did some notable, at least creditable, work in the former branch of learning, and became professor of Classical Philology at the University of Basel when but twenty-four. His deeper cravings, however, were not satisfied by philological research and teaching, and he sought the ampler views, the broader ideals that might more or less make up for

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his lost religious faith. He was deeply impressed by Schopenhauer, and gathered from him a view of life and the world as a whole, and of his own place and function in it. A goal for life seemed suggested in Schopenhauer's exaltation of the philospher, the artist and the saint as the great types of existence; he wished to see these possibilities of our human stock pushed to the highest point, to have a new human culture that would aim that way. It was not perhaps a religion, but to some extent it satisfied instincts for the great and unattained and far away, which are close to the heart of religion. Schopenhauer, indeed, had regarded the supreme types as means by which we may be led to see the vanity of existence and be weaned from it—as steps, bridges to another order of things than this suffering, struggling, contradictory, evanescent life we know, and Nietzsche at first followed him. But soon he came to regard the types as good on their own account and wholly for their significance in relation to this actual earthly life; and this life as the only life he knew he accepted, instead of turning from, as Schopenhauer had—accepted it *with* its suffering, its struggle, its contradictions, the evanescence of all its forms, was ready to take a man's part in it, to suffer himself, to struggle and fight and die. He measured life not by its pleasures and pains, but by the quality of mind and will that might come forth in it—if it gave opportunity for worthy striving, it was enough. If this very faulty order of things still left it possible to aim for those great types of human achievement, on which he set his heart, if by the wise concerted effect of mankind they might be measurably attained, he asked no more. Grant that chance (that is, no design) ruled in the world, that chaos was the natural order in the human world as well, that unregulated desires and ambitions made history a scene of unreason and caprice, might not a master-hand, a master-motive and thought bring order out of this chaos, and more or less subdue nature herself and the world-tree yet bring forth fair and consummate fruit? Oh, the waste of the possibilities of the world, the blind, near aims that shut out

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the vision and attainment of far and great ones, the tragedy and comedy of the idea that the world is being guided well anyway and we may trust to Providence!—such, if not his words, was the undercurrent of his thought. It was a supreme exercise of human power, a regulating and refashioning of the stuff of which man and nature are made in the interests of the production of great specimens of humanity, men who, in comparison to the common run of us, would be supermen and half divine, and a new people and a new culture looking this way and replacing the peoples and cultures that now exist—it was this toward which his mind turned and his aspiration went out. Early we hear from him an ejaculation like this (and it is the undertone of his whole life): "I see something higher and more human above me than I myself am; help me all to attain it, as I will help everyone who feels and suffers as I do; in order that at last the man may arise who is full and measureless in knowledge and love and vision and power, and with his whole being cleaves to nature and takes his place in it as judge and valuer of things." Schopenhauer had maintained that humanity should continually labor to produce individual great men, that this and nothing else was its task; and now Nietzsche says to us, "How does thy individual life receive its highest value, its deepest significance? Surely only in that thou livest to the advantage of the rarest and most valuable specimens of thy kind, not to that of the most numerous, *i.e.*, taken singly, least valuable specimens."[10]

Accordingly he wins a graded conception of humanity—all are not equal; some are more valuable than others. Certain men—at least certain types, when they come—are ends in the highest sense of that word, since they represent the highest evolution of humanity; others take themselves best as they make themselves means to serve them, or facilitate them. The higher are not to serve the lower, but the lower are to serve the higher. The idea that all can be all things is a fancy picture—there is a difference

[10] "Schopenhauer as Educator," sect. 6.

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in the capacity and fitness of men; all may serve the highest and may have the dignity of serving, but not all are the highest or can be. A true society will be aristocratically organized—and some, the many, must serve, willingly or unwillingly, rather than be served, though they need not be mistreated, and every effort should be made to have them happy, contented, efficient, to give them, indeed, pride and solid satisfaction in doing their piece of service well. On their labour the whole superstructure of society rests—they literally support not only themselves, but those above them, it is only as they produce more than is necessary for their own needs, that others can be free for those higher activities that make human life supremely worth while: without leisure, no higher culture. But they are not their own end, and to make them think that they are as much entitled to consideration as anybody, that institutions are good as they favour them and allow them to do as they please, to accumulate and spend as they please, to seek happiness in any of the myriad ways high and low that may appeal to them, is a fundamental mistake. A sense of differing values, subordination, discipline, restraint, voluntary or enforced, *not* equality, *not* freedom (and *not* brotherhood, in the sense of all being on a common footing), are fundamental features in Nietzsche's view.

I have used the term aristocratic, but I must not mislead. The higher men whom Nietzsche wished to see or anticipate were not any set of people who get on top of others and ride them, not a money aristocracy as we know it in America, distinguished chiefly by luxurious ways of living and not knowing how to use leisure when they have it, not a military aristocracy (of itself more respectable) as there have been examples of it in Europe, not even an hereditary ruling class of statesmen, princes and kings, but a kind and type beyond all these—men like Plato or Aristotle, who have a world-view and are born legislators for mankind, men like Homer, Phidias, Raphæl, who reproduce the world in art and so transfigure it, men like the saints and apostles of religion who renounce the aims that ordinarily rule the

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world and transform it. To these greater types even statesmen, princes and kings may well do homage: they are superior to the state and to us all. Partial instances of them the world has known, but not the full perfection of the types. Nietzsche refers to some of the great men of history, but the greatest, like the smallest, he says, are "all-too-human"; "there has never yet been a superman."[11] Zarathustra is a picture of the higher man, philosopher and saint in one—but he is a projection of Nietzsche's imagination, and even he, as pictured, looks beyond. And the philosophical type ranks first; intellectual qualities are even the first requirement for the ruler—if he lacks them, though he wishes to do well and practice justice, he may work harm. Minds not of the highest order should obey rather than rule, and the ruler must rule according to the inspiration of the philosopher—he is his executor, his right hand, his best pupil.[12]

Strange and venturesome as it may seem, in face of the democratic tide now sweeping through the world, to throw out an anti-democratic social ideal like this, Nietzsche did so. He was critic, analyst, scholar, and yet if one looks deeply enough and has a scent for the connection of things, one discovers that almost all he writes is in one way or another related to this central thought, this deeper hope. He wanted first to lay the basis for a new culture among his countrymen. He wished, I might almost say, to create a German culture, for he felt that there was none now: a culture he defined, as a unity of style in the activities, the life-expressions of a people—and German aims were too haphazard, too criss-cross, too much a compound of irreconcilable elements, to deserve that name.[13] The philosophies, the religions and the no-religions, even the moral ideas, were a jumble—there was no clear, mastering thought

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[11] *Thus Spake Zarathustra*, Book II, ch. iv.

[12] Cf. the general statement of Nietzsche's social ideal in *The Antichristian*, § 57.

[13] See "David Strauss, Confessor and Writer," sect. 7, "Schopenhauer as Educator," sect. 6.

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and dominating aim. Yet he hoped. He had, he felt, Kant and Schopenhauer for path-breakers, Gœthe for a shining example, Wagner for a powerful present helper, and he sent out his message—half-veiled—in the form of critical studies of Greek Tragedy, of David Strauss, of the Use and Harm of History for Life, of Schopenhauer, of Wagner. But it was too new a voice, and the thoughts, the preoccupations of Germans (it was directly after the Franco-Prussian war) were elsewhere. Some slight excitement was produced, particularly by his attack on Strauss and the self-satisfied Philistine culture he represented—he spoke of Strauss as a "Bildungs-Philister," and the term clung—but no real following. Later on he wrote, "I have made many not unscrupulous attempts to draw men near to me to whom I could speak of such strange things; all my writings have thus far been nets cast out; I wished to catch for myself to this end men with deep, rich, venturesome [ausgelassenen] souls. . . . Shall I confess it? I found no one."[14] So zealous was he that he said he would rather have a man an enemy, than take his doctrine half and half,[15] and he ordinarily found enemies, so far as he was noticed at all (silence being his usual portion). It was not till almost his last days that he found real recognition, and that beyond the border—in Denmark from Brandes, in France from Taine, not in Germany. He attributed no purposeful ill-will—at least it was very rare, he could hardly cite one literary instance of it, or more than one—but ignorance, lack of intelligence [reine Thorheit], abounded[16]; and ignorance, we know, may make enemies as

[14] *Werke*, vol. XIV, pp. 355–6; cf. pp. 381, 193, and a letter to Peter Gast in Oehler's *Auswahl* (of Nietzsche's *Briefe*), p. 267.

[15] *Joyful Science*, § 32; cf. *Thus Spake Zarathustra*, III, iv, and viii, § 1. The opposition of the literary class and of swollen agitators concerned him little; what did grieve him was the opposition of the serious and morally-minded, who longed for superior things and felt his irony at the limited scope of their ideas (*Werke*, XIV, 357–8).

[16] *Ecce Homo*, III, § 1; I, § 4. He writes to Brandes, April 10, 1888, "Where did you get the courage to want to speak publicly of a *vir obscurissimus*? . . Do you think perhaps that I am known in the dear fatherland? Even there I am treated as if I were something absurd and bizarre, something that

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well as malice. Moreover, after a few years, he lost Wagner—that is, became disillusioned about him and the aid he would give: was Wagner, he asked, really striving for a new culture, was not his wonderful art an end in itself to him, a pale, dying sort of Christianity too, glorifying asceticism as it did in "Parsifal," and without promise for higher and more virile things?

Experiences like these increased his critical bent. He came to expect little help from art and artists and felt that before all the cool, clear, critical thinker must do his work, and the fighting spirit against what ever obstructed higher ideals be aroused. He subjected the democratic humanitarian spirit of our time to pitiless analysis—the impatience of rule, the lack of discipline, the softness, the identification of goodness with sympathy and pity, the herd-instincts that make men unwilling to stand alone and be themselves, the ruling morality then as well as the ruling religion; and particularly did he direct his shafts against the new spirit in Germany after the Franco-Prussian war. "The luxury, the contempt of the French, the nationalism (das Nationale) displeased me. How far back had we gone compared with Goethe! Disgusting sensualism!" so he wrote afterwards.[17] People were saying, "We have been too poor and modest hitherto, let us become rich and self-conscious, and then we too [*i.e.*, as well as the French] shall have a culture"—but Nietzsche could only answer that it would be a very different culture from that for which he was looking.[18] The Germans were capable of great things, but the real German spirit was yet to be born—in the past they had been lamed, dulled, by the two great European narcotics, alcohol and Christianity,[19] and

meanwhile nobody need *take seriously*" (*Briefe*, vol. III, p. 297). He had written to Hans von Bülow in 1882 from Italy (after having made a visit to Germany), "I found the whole dear German animal (Bestie) ready to spring at me—I was, you know, absolutely no longer 'moral' enough" (*ibid.*, III, 365–6).

[17] *Werke*, XI, 119, § 369.

[18] "Schopenhauer as Educator," sect. 6.

[19] *Werke* (pock. ed.), III, 435, §4; "Twilight of the Idols," VII, §2.

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now their ambition to form another petty state in the European system was laming, dulling them, spoiling their finer, higher possibilities, again. The new so-called "great politics" was swallowing all earnestness for really great things.[20] One pays dear for coming to power, he ironically remarks: power makes stupid—the era of Bismarck was the era of German *Verdummung*.[21] Whatever intellectual leadership Germany had had was going—no significant men were coming from her any more; Wagner was from 1813, Bismarck himself from 1815.[22] "*Deutschland, Deutschland über Alles*"—he fears that was the end of German philosophy[23] Since Germany had become a so-called "great power," France won a new importance as *a power in the realm of culture* (als Culturmacht), and he wished that his *Will to Power* were written in French so as to avoid the appearance of strengthening German imperial aspirations.[24] "Quousque tandem, Crispi—Triple *alliance*," he remarks in an aside to the Italians in 1888: "with the 'Reich' an intelligent people makes only a *mèsalliance*."[25] This is severe language for a man to use against his own people, and one might think he did not love it. The fact is, he loved it too deeply, expected too much of it—he thought it capable of great things, and it was content, yes going mad, with lesser things. To him the day was past for petty states and petty state-ambitions and politics, such as were dividing and embroiling Europe. Crude patriotism such as the Romans had, *patria* and *honor*, watchwords of the antique world, were good enough in their time, necessary stages no doubt in the evolution of man from primitive savagery and individualism to civilization, but now, with

[20] *Werke*, XIII, 339-340.

[21] "Twilight of the Idols," viii, § 1, *Werke*, XIII, 350.

[22] *Werke*, XIII, 350.

[23] "Twilight of the Idols," viii, § 1. I need not say that Nietzsche uses "Deutschland, Deutschland über Alles" as a synonym for the new national enthusiasm—not as it is popularly construed (misconstrued) in England and America.

[24] *Ibid.*, viii, § 4, *Werke*, XIV, 420.

[25] Preface to "Nietzsche *contra* Wagner."

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higher aims and greater tasks before mankind, they were either dishonesty or a sign of arrested development.[26] Why this fresh crude patriotism, why Germany in general, he asked, unless it wills, stands for, represents something of more value than any previous power stood for? "Of itself only a great state the more, an absurdity the more in the world."[27] "Where is the new thought? . . . To rule and help the highest thought to victory—that is the only thing that could interest me in Germany. What concern of mine is it whether Hohenzollern are there or no"?[28] Instead of leading in a great, brave, new, enterprise for the world, the Germans were thinking of *themselves*, exaggerating themselves, building a state for themselves, exalting their *race*, and so far as there was any idea of ruling the world, ruling in *their* interest, impressing *their* mongrel culture or no culture upon it, getting places of investment for *their* capital and building up *their* commerce and trade. And the thinkers and scholars of the country were more or less going this way, too,—history was being rewritten, written now from the German standpoint, the Imperial, and even Prussian-court standpoint: there were the Sybels and Treitschkes[29]—Nietzsche did not live long enough to pour his satire on Houston Stewart Chamberlain.

The fact is, he had an idea of the organization of mankind, and the greater enthusiasm swallowed up the lesser, such as the Germans about him were carried away with. He thought that the first necessary step in this direction was for the European peoples to overcome their national egoisms and join in a common undertaking—and he saw with no pleasure the Germans adding a new egoism to the already over-supplied stock. To be a good German in his eyes was to un-Germanize oneself—it was what the strong in Germany had ever done, for instance Gœthe, who was far

[26] *Human, All-too-Human*, § 442.

[27] *Werke*, XIII, 350.

[28] *Ibid.*, XIII, 352.

[29] There are four references to H. von Treitschke in Nietzsche's sixteen volumes, viz. *Beyond Good and Evil*, § 251, *Ecce Homo*, III, ii, § 2; x, § 2 and § 3—all of them satirical.

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more a European event than a German one.[30] He went so far in this direction that he had little sympathy with the German Liberation-Wars against Napoleon—the Germans thereby frustrated the possibilities of a united Europe which Napoleon was holding out; he berated Fichte—the philosopher *par excellence* of the Liberation movement—saying that one had to come down to Wagner and his last epoch [when he condescended to the Empire] and the "Bayreuther Blättern" to find a marsh of presumption, [intellectual] uncleanness and Deutschthümelei (Teutomania) equal to Fichte's "Reden an die deutsche Nation."[31] In their purely national ambitions, the Germans had thrown Europe back and were responsible for the sickness and unreason that had ailed Europe ever since, this *névrose nationale*, as he called it, nationalism—he pronounced it the worst enemy of culture that exists—this eternalization of Europe's system of small states and small politics; they had brought Europe into the *impasse* (Sackgasse) where it was to-day. For Nietzsche knew the tense state of Europe in his time, and significantly remarks that with the founding of the German Empire, this "pitiful European system and nervosity passed into a critical state" (the nearest to a prognostication of the present crisis that I know of in his writings.[32]

Nietzsche would have welcomed a victory of Napoleon, and yet there was another way and this was what he worked for. The peoples might of themselves bring about a united Europe, and be the nucleus for a better world. At first, he thought, somewhat after the manner of Mazzini, that the democratic movement might have such a result, the interests not of the many, but of princely dynasties, and of certain commercial and social classes, pushing in the nationalist direction.[33] Later, seeing that the peoples must

[30] *Mixed Opinions and Sayings*, § 323, *Werke*, XIII, 337, "Twilight of the Idols," ix, § 49.

[31] *Werke*, XIII, 340.

[32] *Ecce Homo*, XII, x, § 2, "Twilight of the Idols," ix, § 39; cf. *The Antichristian*, § 61.

[33] Cf. *The Wanderer and his Shadow*, § 292, *Human, All-too-Human*, § 475.

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have leadership and that in any case an aim such as he conceived must be defined and thought out by thinkers, he looked for the rise of a new aristocratic class, self-chosen, philosophers and men of action at the same time who should point the way. The new aristocracy, however, would be different in principle and character from anything now existing—it would be international not national, interracial not racial from the start. While not holding that all the races of men are on an equality and have equal rights—he was far from sentimental humanitarianism and what is often called cosmopolitanism—he knew of no innate superiority of European races as against each other. The original Aryan races, indeed, were superior to the European aborigines whom they came down upon and conquered, but they mixed with the aborigines, and there are no pure races any longer. "How much mendacity and swamp-land," he says, "are necessary to raise race-questions in to-day's mishmash Europe (supposing that one does not come from Borneo or Horneo)." It became his maxim "to have nothing to do with a man who takes part in the mendacious race-swindle."[34] We hear instead of "international marital unions" (with the task of raising up a master-race, future "lords of the earth"), and in particular of a mixing of German with the dreaded Slav blood (Bismarck, he says, was an instance of this)—yes, Jewish blood was desirable, too, and just for the financial abilities of that race (Nietzsche was always superior to the narrowness of anti-Semitism).[35]

Nietzsche looked for aggressive movement along the lines he projected. He expected opposition, and was prepared for it—and sought to prepare his followers, too. Something of the warrior was in his nature, something of that same will to power which, as a matter of psychology

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[34] *Werke*, XIV, 356.

[35] *Will to Power*, § 960, *Werke*, XIII, 347, 352, 356–7—cf. *Beyond Good and Evil*, § 251. On freedom of travel enabling groups of like-minded men to come together and found fellowships (Gemeinwesen), see *Werke*, XIII, 359, § 883; "as many international powers (Mächte) as possible—to give practice in world-perspectives" (*ibid.*, XIII, 362, § 891).

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and general philosophy, he found the basic thing in all the world, the basic thing, that is, in all that lives and advances and grows, and is not dead or dying. He would conquer, yes, he would have his aims prevail and overtop and rout all other aims, the democratic and Christian included. "War," he said, "though without powder! between different thoughts and between their hosts!"[36] The ordinary physical wars of our time interested him little—they were chiefly for commercial and national ends. "Beyond all these national wars, new 'empires,' and whatever else is in the foreground, I look away," he said. "What I am concerned about,—for I see it slowly and hesitatingly prepare itself—is a united Europe (das eine Europa)."[37] He found the military system, as it now exists in European nations, a living anachronism, the sign of a barbarous society—he uttered an extraordinary expectation that a strong victorious people might some day disarm![38] And yet he was no pacifist, and knew that his own idea might sometime have to fight—he has a special word of recognition for religious wars in the past, inasmuch as they turned on points of doctrine and had an intellectual significance.[39] Idealistic as his aim was, it involved a transcendence and disappearance of the present European state system; and powers in possession do not always readily yield the field. It went counter, too, to the supremacy of the masses in modern communities, of the wealth-seekers, of the money-lords—and these classes might not all willingly yield. What an idealistic aim lay behind those watchwords of the eighteenth century in France, Liberty, Equality, Fraternity! Yet the powers that were opposed the powers that were to be, and France and all Europe were thrown into a turmoil.

[36] *Werke*, XIV, 226, § 456; XII, 368.

[37] *Werke*, XIII, 357.

[38] *The Wanderer and his Shadow*, §§ 297, 284.

[39] *Joyful Science*, § 144. Dr. A. Wolf's *The Philosophy of Nietzsche* (London, 1915), the best extant English monograph on Nietzsche and a welcome proof that English scholars *can* be objective at the present moment, somewhat overdoes, it appears to me, Nietzsche's pacifist tendencies (in the opening chapter, p. 17).

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Nietzsche's idea was aristocratic rather than democratic, but its fortunes might not be dissimilar.[40] In a way ideas—pure ideas, abstract ideas—are the most dangerous things in the world, if they strike brutal obstruction, and though Nietzsche would like to have had all war on a spiritual plane and counted it his happy fortune that he lived a preparatory existence and could leave to future men the conduct of actual conflicts,[41] he knew that conflicts might come and he wished a martial spirit in those who followed him. Turning away from war on principle—whether on the intellectual or physical plane—was contrary to his whole nature. "Let little maidens say, good is what is pretty and affecting; to be good is to be brave." He had his own opinion of scholars who are content to sit in cool shadows; it is not enough to prove a thing, we must win men over to it—our thoughts must go forth to conquer and possess.[42] He even saw some incidental good in the national animosities and national wars, which in principle he reprobated, since they kept up the fighting spirit and maintained the military tradition in the world[43]—he was thus able to turn evil into good, as God is said to make even the wrath of men to praise him. Yet ever are great ends in mind in his praise of war. "Your war ye shall wage for your thoughts," Zarathustra charges his disciples; their love of life was not to be a mere brutish, instinctive thing, but love of their highest hope, and their highest hope was to be their highest thought of life.[44]

Nietzsche had his dark hours as the strongest have, and as to the methods by which his aim was to be accomplished he had no fixed assurance; yet his main mood was one of hope. Zarathustra (but another name for Nietzsche) scarcely knew how to live, save as a seer of things to come—so did the past oppress him; but "atonement would be made

[40] Cf. what seems like a wild prediction, *Ecce Homo*, IV, § 1.

[41] *Werke*, XII, 209; cf. XIII, 175–6, § 401.

[42] *Thus Spake Zarathustra*, I, x; II, xvi, *Dawn of Day*, § 330, *Joyful Science*, § 283.

[43] Cf. *Will to Power*, §§ 729, 126, 127, *Werke*, XIII, 358, § 882.

[44] *Thus Spake Zarathustra*, I, x.

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for the past and the great Hazar be finally ushered in."[45] "Have ye heard nothing of my children," he says to men who come to visit him, "and whether they are on the way to me? Speak to me of my garden, my Happy Isles, my new beautiful race. . . . For them I am rich, for their sake I became poor; what have I not given, what would I not give to have one thing—these children, this living plantation, these life-trees of my will and my highest hope!"[46] One feels the full longing of a man's soul (a woman's, too, in the great, divine sense of that term) in words like these. Yet it is not mere longing. He speaks of the "unexhausted possibilities" of mankind. He believes that in the long course of history the fundamental law will break through, and the best come to victory—supposing ever that man wills and seeks their supremacy.[47] "From you, the self-chosen," Zarathustra says to his disciples, "shall a chosen people grow; and from it the superman."[48] Indeed, Nietzsche thought that the conditions for a change in the general attitude existed now—only the great persuasive men were lacking.[49]

IV.

What is the relation of a current of ideas like these to the European War? Only "reine Thorheit," complete lack of any real understanding of Nietzsche, could bring him into any special contributory connection with it. The basis for the common view is, first, that he was a German (almost everybody and everything German being now suspect in England and America), and then that he said certain strange things and used certain strange phrases, which the people do not understand and our scholars have given them little help in understanding. There is, for instance, the

[45] *Thus Spake Zarathustra*, II, xx; cf. IV, i, and *Werke*, XIV, 306, 136.

[46] *Ibid.*, IV, xi.

[47] *Beyond Good and Evil*, §§ 45, 203, *Werke*, XIV, 71, § 567.

[48] *Thus Spake Zarathustra*, I, xxii, § 2.

[49] *Werke*, XI, 372, § 567. In the above paragraph I borrow (in part) from my article "Nietzsche's Superman," in *The Journal of Philosophy, Psychology and Scientific Methods*, August 5, 1915.

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saying, "a good war sanctifies any cause"; there are expressions like "will to power," "blond beast," "beyond good and evil," "superman." His countrymen are supposed to have imbibed corresponding ideas— "greedily swallowed" them, an Oxford professor says[50]—and so to have been braced, if not inspired, for their present aggressive war.

Really, however, the influence of Nietzsche on his countrymen is a very debatable quantity. It was almost *nil* during his life-time (I count his life to the apoplectic stroke that ended his *intellectual* career, 1889, his body lasting some years longer), and though he was widely read afterward, and for a time might be almost said to have been the vogue, particularly among university students, artists and the literary class, real influence is another matter. One need not say that the "powers that be," whether in church or state, did not listen gladly to him; professors who took him up, because their students were reading him, were of divided mind and mostly critical toward him—one boasting that though the members of his *Seminar* on Nietzsche were all Nietzscheans at the start, when they finished, none were Nietzscheans any longer;[51] and sometimes he was as roundly, though never as unintelligently, attacked as in England and America—the last book on him before the war being a running fire on him, with the title *Nietzsche der falsche Prophet.*[52] What his influence is since the war, it is hard to say. I was in Germany for several months after its outbreak and I rarely saw or heard a reference to him—once, I remember, by his sister who knew of young soldiers at the front inspired by him, and believed that now that lessons in courage and heroism were supremely needed by the Germans, Nietzsche would come or was coming by his own.[53] The popular idea is, of course, that

[50] Selwyn Image, *Art, Morals and the War*, p. 13.

[51] Theobald Ziegler (of Strassburg) in *Der Turnhahn*, June, 1914, p. 643.

[52] By Otto Ernst.

[53] See her article in the *Berliner Tageblatt*, September 5, 1915 (cf. an earlier one in the *Hamburgischer Correspondent*, September 15, 1914). Frau Förster-Nietzsche naturally emphasizes Nietzsche's instinctive loyalty to his father-

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he helped to make the Germans aggressors in the war—unscrupulous aggressors too, as witness their invasion of Belgium. But that the Germans were aggressive in any essentially different sense from that in which the Russians or the English were, remains to be proved; and as for the wrong to Belgium—most unquestionably a wrong—Nietzsche never speaks in greater contempt than of the man who breaks his word,[54] and I think he would have said the same of a nation. That he stimulated the egoism of the Germans—made them think themselves supermen, as the Oxford professor quoted asserts—is absurd to one who knows anything about him. He praised war, but not a war like this, without an idea or principle behind it—save, indeed, as it might prove a training-ground for men who would fight to great uses in the future.

And these striking phrases, that are in everybody's mouth, what do they really mean? We might fancy from current discussion that "will to power" was some odd German invention, at least a German idiosyncrasy practically, something that other peoples, the good moral English particularly, know nothing of; but, in truth, the doctrine is Nietzsche's fundamental analysis of human nature and the world at large—he conceives will to power to be the root thing in individuals as in peoples, in women as in men, in animals and even in insensate things: Schopenhauer saw everywhere will to life, Nietzsche will to power. The

land, and leaves in the background his attitude to German nationalism. Probably the most reasoned treatment of the subject is by Julius Bab, *Die Hilfe*, December 31, 1914. Professor H. L. Stewart thinks that so long as Nietzsche emphasized the German failings he was ignored, but that when he enforced the same lesson in more impersonal terms he was acclaimed (*Nietzsche and the Ideals of Modern Germany*, p. 174); but this is a misstatement (unwitting) of fact: so far as one can speak of recognition in Germany during his life-time at all, he had more of it earlier than later, and his most violent and least impersonal attacks on the Germans are in his latest books, "Twilight of the Idols" and *Ecce Homo*. Bernhardi quotes a general passage from Nietzsche about war on his title page—nothing anywhere else in his book (*Deutschland und der nächste Krieg*).

[54] In *Genealogy of Morals*, II § 2; cf. the comments on the shamelessness of (ancient) Greek nobles in breaking their word (*Dawn of Day*, § 199), and a personal reference (*Werke*, XII, 224, § 486).

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English and the Russians have this will as truly as the Germans—everybody and everything has it that is really alive. "Blond beast" is Nietzsche's picturesque way of describing our fair-skinned, fair-haired Aryan ancestors who came down on the dark-skinned European aborigines ages ago and conquered them, using all manner of violence in doing so and with perfect good conscience—ancestors then of Scotchmen and Englishmen and Scandinavians, even of Frenchmen and Russians, as well as Germans now, unquestionably he felt that they were a superior race—but need I explain that in his view force, strength, superiority *can* be shown in other ways than killing, burning and ravishing? "Beyond good and evil" means transcending, not morality, but a certain type of morality, the herd or social type, with its main emphasis on mutual help and sympathy and pity, the type that dominates in our Christian, democratic world to-day—even so the type is not to be transcended by the mass of men, but only by those rarer privileged individuals who exist for ends beyond society, and are to be half like gods on the earth. "Superman" is a poetic term for these great self-complete individuals, the consummate outcome of the species' evolution, yet to be. Nietzsche is charged with travestying Darwinism, making it mean death to the small and weak; but the unhindered, uncontrolled struggle for existence leads, in his judgment, rather to the destruction of the great and strong, owing to the matter-of-fact preponderance of group-standards in the world—and this, not the submergence of the small and weak, is the real human tragedy in his eyes.[55] He does not deny a place to sympathy and pity, but will not give them the supreme place,[56] as our altruists and sentimentalists and pessimists (they naturally run into one another) do. "Not your pity, but your bravery has hitherto saved the unhappy." Not the love of neighbors, those near us, but of those furthest off, the possible divine specimens of our kind, is

[55] Cf. a passage like *Will to Power*, § 685.

[56] See my article, "Nietzsche on Love and Pity," in *The Hibbert Journal*, Oct., 1914.

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the highest, yes, the most *human* thing. Have thoughts like these had any particular influence on the present war? True, Nietzsche says, "a good war sanctifies any cause," and it is a hard saying; but when I look it up[57] and observe that it comes right after declaring that we must war for our *thoughts*, and reflect that after all our thoughts may be mistaken, and that each of us has only to fight for the best and truest he knows, I feel that perhaps for us poor mortals, human, all-too-human, a good fight is the highest thing and that it may even lend a kind of sacredness to *whatever* concrete thing we do. Yes, I will dare say, that for these soldiers now giving up their lives on the battle-fields of Europe—all of them, English, French, Russian, Servian, Austrian, German, if so be they fight for the highest they know—a good fight may be the supreme thing, and that it may sanctify their cause, yes, possibly give it a greater sanctity than it ever had of itself.

But enough of these small explanations and corrections of misapprehension! There are stumbling blocks in Nietzsche; and yet one who penetrates to the heart and thought of the man, knows that his aim and hope belong to another atmosphere than that of this war, and that the war is in fact—if I read it aright—an outcome of the very tendencies and instincts he deplored and opposed. How will it end—and what will come after it? He would be bold who would prophesy. One side may crush the other—so many on each side hope; but France was crushed in 1870!—crushing will not end the war, but plant seeds of a new war. There may be a draw, but neither will that end it. The conflicting interests remaining, the nations, after rest and recuperation, will be liable, at a new unhappy juncture of affairs, to break forth again. Thoughts are abroad for quelling them in such an event, for a league to enforce peace, and Dr. Felix Adler, going more deeply still, argues for a new conception of nations and their relations, according to which each would respect the others and leave them free to develop their own national genius

[57] It is in *Thus Spake Zarathustra*, I, x.

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and type.[58] Even such proposals, however, contemplate a continuance in essentials of the *status quo*, a perpetuation, I mean, of the existing European state-system, each people having its separate interests and living its separate life. Nietzsche's is the one scheme I know for binding these peoples together. Does anyone aside from me, he says in a passage from which I have already quoted, know a way out of the *impasse* in which Europe is to-day—*a task great enough to bind the peoples together again*?[59] The bond he had in mind is the common aim already described—an aim in just this specific form unknown before, though Dante had in mind something like it, and the Catholic Church in its great days, when it stood superior to peoples and states and made them seem small in comparison, attempted to realise certain features of it[60]—the aim of a world-wide organization of humanity for the attainment of the highest types of humanity. Nietzsche thought that a new interest like this, a new faith, a new great passion, might transcend the nationalist interests, overtop and drown the nationalist faiths and passions that now rule and misrule the world. Not peace, not letting alone, but a new positive uniting aim was his proposition. One might almost speak of a new religion; he spoke of a new culture—a new *conscious ordering and disciplining of this crude, chaotic human life of ours*, so that it might attain some great end, blossom in some perfect fruit, before it passed away. Is such a thing possible? *Can* men rise above their country to the thought of something greater? Can the Englishman become more than English, the German more than German, yes, can our swirling democratic masses, mad for the lesser goods of life, comfort, wealth, luxury, ease—can they rise above themselves? Can they, can we all, care supremely for this *species* of ours and some culmination of its possibilities? I dare think so; still I do not know,

[58] *The World-Crisis and its Meaning.*

[59] *Ecce Homo*, III, x, § 2.

[60] Cf. Nietzsche's reference to the Catholic Church, in *Human, All-too-Human*, § 476.

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and for all I know the whole thought may be preposterous and Utopian, one more mirage of this old race of ours that can dream so much better than it can do—the only thing I *know* in the connection is that it is one of the ironies of fate, one of the comedies in the history of culture in England and America, that the man who proposes this far-reaching, supernational, I might say superhuman faith, is charged with complicity with the present European war.

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BOOK REVIEWS.

EGOTISM IN GERMAN PHILOSOPHY. By Professor G. Santayana. London and Toronto: J. M. Dent & Sons, Ltd.; New York: Charles Scribner's Sons. 1916. Pp. 171. Price, 5s. net.

No philosophical writer has happier *aperçus*—or expresses them more incisively—than the author of this brilliant book. Once heard, his phrases—and they are found on every page—are not forgotten: but he has arrived *ex errore per veritatem ad errorem;* the epigram is as true of him as it is of Sohm. For few writers are so inconclusive and so unsystematic; his is a critical, not a constructive, mind. Latin thought is fundamentally sceptical; seldom does it get beyond the question, *Chi lo sa?* Whereas German thought is dogmatic. It replaces systems by systems: "an Amurath an Amurath succeeds." Professor Santayana represents the Latin genius; and this has now a unique opportunity. In its lower forms, it connects the present world-war with the Reformation—this is the contention of the clerical press; in its higher, with that German philosophy which, in pre-Tractarian Oxford, a University preacher is said to have wished at the bottom of the German Ocean. Professor Santayana, it seems, echoes the wish.

"I am not going to lay hands on my father Parmenides." In the province of ideas we owe too much to Germany to dismiss her speculative constructions so summarily. "The whole transcendental philosophy, if made ultimate, is false, and nothing but a private perspective." But what if there is no such thing as an ultimate in speculation, and no finality in thought? In this case the "transcendental" philosophy may be a milestone, momentous and inevitable, on the path of mind. For of thought, as of life, it may be said "Here we have no abiding city." Our shelters, serviceable as they are, are temporary; we "seek one to come." Philosophers and pietists alike, while they deny this in words, recognize it in fact; indeed without such recognition neither philosophy nor piety could subsist among men. Each system, as it comes, "thinks itself true, and final; but, in spite of itself, it suggests some next thing."

Protestantism is uncongenial to the Latin temperament. Professor Santayana has more understanding of, than sympathy

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with, it; like Balaam he blesses, even while he comes to curse.

"Protestantism was not a reformation by accident, because it happened to find the Church corrupt; it is a reformation essentially, in that every individual must reinterpret the Bible and the practices of the Church in his own spirit. If he accepted them without renewing them in the light of his personal religious experience, he could never have what Protestantism thinks living religion. German Philosophy has inherited this characteristic; it is not accumulative science that can be transmitted ready made."

This is to say that the one is religion and the other thought. Neither can be vicarious; we must live and think "on our own." And when we are told that, "favourable as Protestantism is to investigation and learning, it is almost incompatible with clearness of thought and fundamental freedom of attitude," we can only reconcile the two statements by remembering that to the classic thought of Greece Reason was a Limit; and that "they see not clearliest who see all things clear." But this is not the Professor's meaning, though it is perhaps the lesson of his very suggestive but somewhat irritating book.

A. Fawkes.

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As a thinker of the present moment, no man could be so well employed in focusing the popular hatred of either party of the belligerents as in enlightening it that we might make the best use of what has happened. One of the crudest causes of this war is no doubt the lack of knowledge between peoples of what they one another are. The author would have been wiser, if he had depicted the supposed English or French characteristics discoverable in German Philosophy as well as the supposed German characteristics discoverable in English or French Philosophy, as it is really possible to do. Or he might have reduced or synthesized all the German characteristics to a more fundamental form—a fundamental form in which both German and non-German peculiarities share, and tend to share still more as they grow. In spite of the fact that the author seems to be fond of the inductive method in dealing with problems, it often happens that he speaks as if he had a "categorical imperative" in his mind which obliges him to interpret, in the light of egotism, any

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characteristic whatever that he finds in German Philosophy. Sometimes he is virtually passing judgment on non-German Philosophy no less or even more severely than on German Philosophy. For the qualities responsible for the condemnation are common to both, or are outweighing in non-German Philosophy. For instance, what he meant by "The Breach of Christianity" (Ch. X) or, by "Heathenism" (Ch. XIV), if it were ascertainable in German Philosophy, should be so no less or even more in non-German Philosophy. We have simply to recall to our mind the whole history of thought since the Renaissance. It is rather trivial to point to any particular epitomes such as French Positivism, English Empiricism and Utilitarianism, or American Pragmatism. Apart from the appreciation of the author, directed to his own observation, this observation itself is not always accurate enough. "Platonic idealism spurns the earth and believes in heaven, a form of religion most odious to the Germans. They think this sort of idealism not only visionary but somewhat impious; for their own religion takes the form of piety and affection towards everything homely, imperfect, unstable, and progressive" (p. 16). Does this apply to Kant whom the author takes for one of the most important exponents of German Philosophers? For the fatal weakness of Kant was just in his ascetic and dualistic idealism as well as in his *a priorism* which was the best friend of moral and logical categories and the worst enemy of an empirical improvement. Will it not apply very well to John Stuart Mill or William James or John Dewey, whose primary assets consist just in what Kant and so many German Philosophers are devoid of? Must not the following sentence that "the Germans yearn to pursue the unattainable and encounter the unforeseen" be taken to be the description of Platonic Idealism itself? The author says, "Yet German idealism is a religion of the actual. It rejects nothing in the daily experience of life, and looks to nothing essentially different beyond" (p. 16). Can this be justified in the case of Rudolf Eucken's Philosophy? I quite agree with the author that "One of the chief characteristics of German Philosophy, without which it would melt away, is ambiguity" (p. 17). But the reason why it is so lies, indeed, in the fact that German Idealism is a religion of the *non-actual;* that it rejects *everything* in the daily experience of life, and looks to *something* essentially different beyond. I wish German Idealism could realise a trifle more of the meaning

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of the *actual* which was left to English, French, and American genius. What the author in these quotations says may hold true of Goethe. But in that case it means that Goethe was not merely a German but rather a *human* and modern poet-thinker. "To despise the world and withdraw into the realm of mind, as into a subtler and more congenial sphere, is quite contrary to the Idealism of a German transcendentalist. . . . He hates as he would death what another kind of Idealists have called salvation" (pp. 70, 71). This is, however, a message universal to modern thinkers, though different in its more or less accidental attributes. "German Philosophy has a religious spirit, but its alliance with Christianity has always been equivocal and external" (p. 104). If this is so, we are only assured that non-German Philosophy has been even more advanced in that same direction than German Philosophy—a tendency coincident with the stronger originality and insight in the former than in the latter.

On the whole, the limitation of German Philosophy is that it is not based upon the "ego," as a philosophy ought to be. It is rather based on a chimerical whole. Hegel and even Fichte were guilty of this folly. On the other hand, the merit of English, French, and American philosophies is that they are based upon the ego. Their limitation is just the limitation of their ego so that it cannot successfully absorb the whole by means of a proper metaphysics. A philosophy based upon the whole which is not the result of the reflection or of the perfection of the ego will necessarily produce many an evil. It may impose upon us *duty* even at the expense of *end*, or *order* even at the expense of *liberty*. Besides all this, I have been left at least in an agnostic state as to the political insight of the author. I wonder what would be the criticism of the author on *Justice in War-Time* by Bertrand Russell, in which he is bound to be interested. The Germans may be particularly guilty of the drawbacks of nationalism, as the author is keenly aware. The fact remains none the less that other nations also are in urgent need of a drastic reconstruction of their own present conception of nationalism. We had hoped that the author would have given us at least something more suggestive as a universal remedy as well as a universal diagnosis of the world's disease by the way of criticising an aggravated point of the disease. Be that as it may, this volume has not at all failed to show the admirable qualities which we naturally expected of the author. He has shown himself once again as a

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singularly delightful philosophic writer. Amazing lines and passages both in thought and expression abound. Perhaps it is no mere accident that men like Nietzsche and Goethe are treated more brilliantly than some rather technical philosophers. The author himself is undoubtedly one of the poet-thinkers for whose product, especially when and where it is sincere and unbiased, we have several reasons to be thankful. One reason among others is that he is so keenly critical and occasionally even prophetic.

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PRINCIPLES OF SOCIAL RECONSTRUCTION. By Bertrand Russell. London: George Allen and Unwin, Ltd., 1916. Pp. 250. Price, 6s. net.

Mr. Russell has written a great book, and its effect will probably be felt long after the political controversies which the War has aroused have been forgotten. He has set himself, as it seems from the choice of subjects dealt with, to express in unacademic language the most fundamental of the new conclusions which those have been driven to make who care to examine the assumptions upon which social belief and practice now rest. The study of principles naturally leads him first to discover what are the beliefs and passions which support the present social system. His book is therefore in part a psychological analysis of the common social attitude of to-day. And by contrast there appears another attitude not common or powerful at present but obvious and important to any eyes which care to see. This other attitude is perhaps expressed as creativeness: it is at least activity rather than acquiescence and it is that activity upon which Mr. Russell lays most emphasis in his suggestions for reconstruction.

Naturally such a book must be very far-reaching in its criticism and very indefinite in its suggested programmes. We cannot have all wisdom in one volume, and it is fundamental to the understanding of Mr. Russell's argument that we should not seek it there. So that if anyone desires to find "difficulties" against new suggestions or "arguments" for old abuses, he may do so without finding himself hampered by Mr. Russell's reasoning. There is much to be said in favour of the state or of property which Mr. Russell has not said; and his form of Syndicalism or his educational programme needs further explanation. There will be many, who, for reasons perhaps unconnected with the intelli-

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gent study of political and social facts, may fear to let themselves be persuaded by writing that is so obviously a departure from the careful commentaries upon Aristotle and the British or American Constitution, which have hitherto done duty as political philosophy. Most clearly one seems to perceive the ghostly form of the Hegelians gathering themselves for flight from this unholy vigour, like a wind dispersing their "higher unities."

The book begins by contrasting the power and importance of calculation with that of "impulse" in social life. Earlier political and social theory is said to have emphasized too much the part played by rational calculation or desire or purpose. The principle of growth is to be recognized as the fundamentally important fact, by reference to which all custom and institutions must be tested. But this "impulse" appears to have two distinguishable forms: it may be creative or productive and it may be possessive. This, it will be remembered, is Plato's theory in the *Sophist* where he distinguishes productiveness from acquisitiveness,—the activity of the artist from that of the "general" or the "vermin-catcher": and Plato recognises that social forms are the results of these two forms of impulse. But Mr. Russell has carried farther and made more applicable to modern circumstances the half-humorous suggestion of Plato. He sees in established institutions too little place for creative impulse. The state, for example, seems to embody the have-and-hold tendency in human life: and the only hope for the survival of individuality Mr. Russell finds in the increase in number and in power of voluntary associations for specific purposes. Such associations would be formed definitely for contest, and not for lamb-like submission. And the impulse which now finds its relief in warfare might then grow to a legitimate and quite vigorous development (p. 97). The analysis of our established property customs follows next, and all the sacred shibboleths of economics and legalism are disturbed by Mr. Russell's criticism. There seems no hope at present for any fundamental change to be adopted calmly before it is compelled by the rising anger of the dispossessed: but Mr. Russell argues well that even Socialists, who are supposed to desire a complete reconstruction of society, "still retain the view that what is of most political importance to a man is his income, and that the principal aim of a democratic politician ought to be to increase the wages of labour" (p. 130). This is probably a mistaken policy. Control of the conditions of life and labour

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and an abolition of the whole wage-system seems to be a more excellent purpose for action.

In discussing education, from the political point of view only, Mr. Russell finds himself opposed by the tradition which had its first great exponent in Aristotle, that education should secure the present structure of society. We have clearly come to a time in which education should be a source for changing that structure by giving the delight in mental adventure and freedom from the oppressiveness of authority. Marriage also needs reconsideration, since the free play of personality is not possible within the present economic-political marriage system, which is based upon the authority of one over another. The same is true of the organisation of religion by official priesthoods in churches. "Very little of what is valuable in morals and religion comes nowadays from the men who are eminent in the religious world" (p. 202). The life of the spirit and the life of the mind seem to need a new form of expression, not based upon the exclusiveness and conventionalities of the past: for we can already feel the beginnings of a social insight which will transform the relations between groups of men. The principles which Mr. Russell suggests as basis for immediate action are these: "I. The growth and vitality of individuals is to be promoted as far as possible. II. The growth of one individual or one community is to be as little as possible at the expense of another." Liberty and reverence are the two words for inspiring the new world.

There are a few minor criticisms which may be made. For example, in the theory of marriage no new constructive idea is suggested; but in a book on social reconstruction the emphasis should not be laid on negative criticism. It may be that no new idea is needed; and yet if that is so, it should be stated. Is it simply that we need a modification of the present system? For the treatment of the marriage system in that case should not be put upon the same level as the treatment of property. The marriage system as it stands at present is indeed based upon domination and authority: the husband claims authority over the wife and both claim authority over the children, without any due allowance for growing intelligence. But there seems to be no new conception, which is more than a modification of the existing system, which would revolutionise the relations within the family, and perhaps Mr. Russell means to imply that modifications of the system are enough. The property system on the other hand stands upon a different level: for here the system itself is perverse

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and no mere modification of it will give that free play to creative activity which Mr. Russell desires. But if there is a real distinction between the values of these two systems, it should be stated; for one needs only remodelling and the other abolition.

Again with regard to education, Mr. Russell does not seem sufficiently to value the conception of "occupations" (not "trades" as the basis for an educational system. And yet he should recognise that "The education of a gentleman" has been the greatest curse to civilisation. Our other criticisms may be on the mere interpretation of words, but perhaps the difficulty we feel as to the use of certain words by Mr. Russell may be due to a real difference of opinion. He is unfair to "reason," for he seems to identify it with mere calculation; and he is too complimentary to impulse, for he intends by it "creative activity." The mistake of the Utilitarians was not, as Mr. Russell implies, that they valued reasoning too highly, but that they did not understand what reasoning was. They had not read Plato to any purpose. And as for "impulse," the word appears to imply evanescent, transitory, fitful excitability: it is the wrong word to use for a basic conception of social philosophy, unless indeed Mr. Russell can give it new associations. "Energy," with its Aristotelian connections, or even "activity" seems to be safer, if less emotionally coloured. Then again justice appears to be misconceived. Properly used the appeal to "justice" implies by contrast the appeal to "benevolence," and in its revolutionary history it means the emotional appreciation of other men's rights as compared with other men's wrongs. It is a better word even than liberty to overturn the obsolete conception of "charity" and "being kind to the poor" as a reason for social activity.

These are, however, unessential objections to Mr. Russell's thesis. His book remains a turning point in constructive social theory and as such may very well be followed by a more detailed and more extended treatment of the basis upon which a better social world can be built. The trivial and half-hearted tinkering with present evils, which passes usually for "reconstruction," make one impatient for some bold generalisations. Every little gospeller of compromise is now preparing cheap schemes for rearranging suburban life. But Mr. Russell's mind inhabits a freer air than is common in the suburbs of social and political philosophy.

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PROPERTY AND CONTRACT IN THEIR RELATION TO THE DISTRIBUTION OF WEALTH. By Richard T. Ely. New York: Macmillan Company, 1914. 2v., pp. xlvii, 995.

It would be difficult to mention any two sciences that are as intimately interconnected as are law and economics. Yet so disparate are the professional associations of the teachers of these subjects that seldom can we find any adequate recognition of this fact either in books on law or in books on economics. In France the study of political economy has now been made an integral part of the law-school curriculum, and since the publication of Adolph Wagner's great text-book German economists have been paying more attention to the economics of the fundamental legal institutions of property, inheritance, etc. But in the United States lawyers think of themselves as "practical" men and will have nothing to do with "theoretical" economics; and economists, while ready to criticise the antiquated economic theories embodied in the law, seldom take the trouble to understand the basic mechanism or social significance of the fundamental legal institutions. The publication of a two-volumed work on Property and Contract by a leading economist is, therefore, a significant event even though the work be devoid of any striking or original contribution to the subject.

Professor Ely belongs to a school of writers who interpret the obligations of scientific exposition in a liberal, if not latitudinarian, manner, so that lovers of scientific rigor and definiteness will be often irritated by an exposition which, like the wind, bloweth where it listeth. Instead of restricting himself, as the title indicates, to a definite problem in the economics of distribution, the author has given us such a miscellany of information, observations, and reflections on law, ethics, politics and economics interspersed with diverse delectable bits of autobiographic information, that it is difficult to see the thread of the argument. In a general way, however, it is clear that he has tried to defend the "social" theory of property and contract, viz., that they are not absolute rights of an abstract or isolated individual but social arrangements to be justified because they serve definite social-economic ends. Private property is the stimulus to economic productivity and we must be careful in its regulation not to break down the feeling of security, of possession, without which economic enterprise would be paralyzed. Similarly with regard to liberty of contract. Restrictions on the freedom of contract are justified

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because they tend to bring about conditions of opportunity and real freedom in a society where all are bound by ties of mutual dependence. "The pressure of mutual dependence is like the pressure of the atmosphere which is not felt because of the uniform balance of forces. Remove this balance and the pressure is crushing. Remove mutuality and dependence may degenerate into bondage. Therefore the prime problem of modern economic freedom is the maintenance of mutality in relationships."

As the leaders of American legal opinion are still dominated by individualistic conceptions of abstract rights, Professor Ely's thesis, though commonplace among students of ethics and social science, might have been of great usefulness had not his handling of legal material been of such a slip-shod character. No student of law can be blamed for refusing to be impressed by a writer who fails to note that the Fifth Amendment to the Federal Constitution does not apply to the states (p. 694). It is not merely that Professor Ely falls down on legal details. His whole conception of the Bills of Rights and the function of courts is hazy and innocent of any grasp of the real difficulties. On the fundamental question of the relation of property to contract he is content with the bare dogmatic statement that "our idea of property carries with it the right of contract" (p. 555). But this is far from being a general truth. As Dean Pound has shown, in a famous article in the *Yale Law Review*, it is but a late invention of the American courts.

MORRIS R. COHEN.

College of the City of New York.

THE SOCIAL PROBLEM: A CONSTRUCTIVE ANALYSIS. By Charles A. Ellwood. New York: Macmillan, 1916. Pp. 258.

Professor Ellwood proposes "to furnish a brief analysis of the social problem in Western civilization and to outline a scientific social philosophy which shall serve as a basis for a well-balanced progress."

Successive chapters rehearse the following aspects of the undertaking: historical elements in the modern social problem; physical and biological elements; economic elements; spiritual and ideal elements; and a final chapter dealing with the solution of the social problem. The standpoint and conclusions are not new, for they embody a trend of academic sociology in the United

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States. More than some other sociologists, however, Professor Ellwood stands for the view that ideas, "spiritual factors," are the prime agents of social development. He is moved to attack the position of the biologists who claim that eugenics is a final word, to assail the determinism of the economist and the selfishness and materialism of the capitalist, to hold that modern science has partly been directed to ends which prevent the community from realizing an harmonious life; and finally to urge the need of a revaluation of family, government, morality, and religion.

So strong is the conviction of the writer that religion is a prime necessity in a progressive civilization that he may fairly be classified among the advocates of a religious sociology. For western civilization he identifies religion with Christianity. Whether it is possible to formulate and to make appealing to the multitude a religion which is both sociologically proper and Christian is an item lending itself to more extended discussion than is given. The hortatory tone, the appeal to individual benevolence (as when the author urges the capitalist to change his heart and his methods) and the partiality for the terms "unselfish" and "altruism" are almost ecclesiastical. The seeming acceptance of a dualism of egoism and altruism caused by a loose use of terms adapted to popular reading is unfortunate in the light of recent ethical criticism and insight into human nature.

What is said about the primacy of individual character, the insufficiency of external machinery and negative theories of life and society is undoubtedly true. Nevertheless, the reader wonders whether Dr. Ellwood advances beyond an already familiar first act in the drama: an outline of the complexities and interrelations of the problem, with the repeated sociological reminder to see all the factors together, to reform the family, humanize industry, reprove the revolutionist, warn the conservative, remodel education, and train wise leaders. After the plot has been told as Professor Ellwood narrates it, only a formal beginning has been made. To observe and think in terms of the Great Society, to psychologize and revise methods of communal organization so that they may become fit vehicles of human nature, to induce a general willingness to experiment and to abide by possible losses as well as to enjoy gains which follow from trying social hypotheses,—most of these things are still to do. They demand comprehensive programs applied to specific issues. Their general necessity has been stated in one way or another by various social

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philosophies, including that of Professor Ellwood; but the real test of a sociology is in invention and action. This means selecting crucial problems, throwing a white light on their ramifications, surveying each aspect exactly, giving the interests involved their relative and just valuation, and formulating means and end in a workable plan. An extension of the "social survey" is the enterprise which the present international tension calls for.

Professor Ellwood aptly concludes by saying that upon the university of the future rests a sacred reponsibility to train youth to think and act in terms of social causation. "Social leaders" must be available. Just what, in the coming years, is to be the mutual relation between the social expert and the community to be guided? The question, still unpursued in a comprehensive manner, seems particularly congenial to the method of sociology, and well adapted, if successfully worked out, to free it from the burden of exhortation and apology under which the church and conventional doctrines of ethics now labor. Will this synthesis also be left to Mr. Wells?

E. L. Talbert.

University of Cincinnati.

What Is Living and What Is Dead of the Philosophy of Hegel. By Bendetto Croce. Translation from the Italian by Douglas Ainalie, B. A. London: Macmillan & Co., 1915. Pp. xviii, 217.

English readers of Croce's works already know him as a thinker who philosophises from a fundamentally Hegelian point of view. They will not be required, therefore, to find him maintaining in this book that the element of permanency in the philosophy of Hegel is the synthesis of opposites in the concrete universal. Only the concrete universal, it is held, and consequently only the Hegelian philosophy, can give an adequate conception of reality, for the reason that a reality is neither simply the one side of any pair of opposites, nor the other, nor yet again the mere opposites of the two, but their synthesis. Croce conceives Hegel to have made the attempt to render thought, which naturally tends to assume a rigid expression, as fluid as is the real. For he had no doubt that the real is fluid, and hence it was that Heracleitus appealed to him; and he felt at the same time that all previous philosophies had been unfaithful to this

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aspect of reality. He was thus lead to the theory that the synthesis of opposites in the concrete universal is the ground of fluidity and development in reality.

But now Croce introduces a more important speculation, and this concerns that part of Hegelism which is dead. Opponents of Hegel have often ridiculed Hegel's essays into natural philosophy; and even those who adopt his principles usually consider that in such enterprises he was not happy. But they offer no explanation of the statements which give rise to their ridicule or silence. Opponents of Hegel tend to consider it a proof of the unsoundness of his philosophy that it could issue in such absurdities; while advocates of Hegel tend to regard the so-called absurdities as hard sayings or mere lapses. The one side says it was nonsense, the other it was rash to deduce dialectically the total number of the planets; but neither side offers any explanation of the fact that Hegel attempted the deduction. Such an explanation is proposed by Croce. He maintains that there is a radical error in Hegel's thought, that his many hard sayings are not mere lapses but the direct consequence of this error. He maintains, in fact, that Hegel did not distinguish between *opposites* and *distincts;* that he often believed distincts to be opposites and in consequence fallaciously applied the dialectic of opposites to them; and that in general he often treated distincts as opposites and opposites as distincts.

Thus, good and evil are true opposites and each is essential for development, hence, they must be synthesised in the concrete universal. But elsewhere art is regarded as thesis, religion as antithesis, and philosophy as synthesis, and this Croce maintains to be utterly mistaken. For art, says Croce, has a reality of its own, and is not in relation to religion what good is in relation to evil,—an abstraction. In short, art and religion are distincts, not opposites, and to them the *notion of degrees* applies, but not the principle of dialectic synthesis. Croce illustrates the theory from different sides of Hegel's work.

The whole book is highly interesting. As to the main position, there appears to remain some difficulty in deciding what is a pair of opposites and what a pair of distincts. The decision is usually reached by Croce by means of a criterion of unthinkability, opposites being unthinkable apart from each other, while distincts are not; but one is at an entire loss with regard to the meaning of unthinkability.

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The style of the author is delightful, and is characterized by apt phraseology and pertinent illustration.

BERNARD MUSCIO.

Gonville and Caius College, Cambridge, England.

PRACTICAL MYSTICISM. By Evelyn Underhill. London: J. M. Dent, 1914. Pp. xiii, 163.

The conviction that the world has a significance greater than appears on the surface of it, far greater than we can fully understand, is present at times to almost all of us, and lies at the root of the appeal that mysticism makes. The power and sincerity in the writings of the great mystics reinforce that appeal. But their writings are not only undeniably difficult, to most of us there is also something repellent in them. The ordinary student has, therefore, much reason to be grateful to Miss Underhill, whose gifts of exposition are very remarkable and whose sympathy makes light of stumbling blocks. Chief of these to the ordinary reader is the insistence recurrent in many mystical writings on the need for strange states of meditation, remote withdrawals into a region where there is no distinct thought and no definite image whatever.

The plain man would sweep the whole thing aside as morbid, if it were not for a lingering sense that reality is so strange it may be rash to exclude any method of approaching it. But to Miss Underhill the method of the mystics has an indispensable value. According to her summary, if I may put it into my own words, the world has two aspects: one, that of appearance (or "becoming" or "time" or "change"), and the other, that of something beyond all appearances and distinct from them, something which cannot be named unless we chose to name it pure Being or Eternity. In the end, however, these two aspects are realized as fundamentally united so that the complete mystic can return at will from his immersion into the world of eternity to a joyous union with the world of time. But as a necessary stage he must become aware of this "eternal" side, this something over and above all its manifestations, realize that it exists and desire a union with it. "*Non voglio quello che esce da te, ma sol voglio te, o dolce amore*" (quoted from St. Catherine, though not in the little book, but in the larger Mysticism, p. 298).

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This would seem to imply conceiving the universe after the way some thinkers and some poets, and those of no mean order, have conceived persons, namely, as beings that are more than all their qualities, past, present, or to come.

"These are her gifts, as tongues may tell them o'er:
Speak low her name, my soul, for that says more."

Perhaps this really is the right conception of the universe, and if so, it is very important, alike for philosophy, religion, art, and ethics, there is certainly much that points in that direction besides the whole body of mystical experience. And such quasi-mystical poems as Shelley's,

"To the deep, to the deep, down, down!"

All theories of evolution, for example, seem to posit something out of which qualities emerge, itself not qualified, and most theories of creation in art suggest that the standard at which the artist aims, although it is a standard, does not contain the particular lovelinesses as such before they are expressed. Therefore it seems quite possible that, at least for certain natures, the best way of approach to reality may include this peculiar stage in which all definite appearances are as it were blotted out. We are the less prepared to deny this when we remember that Wordsworth, certainly one of the sanest as he was one of the greatest among nature mystics, counted among his highest moments those when the world of ordinary union and ordinary thought fell right away from him. But essentially the same attitude can be and is adopted by others without anything of this experience. Meredith, for example, made Earth say of her peculiar chosen that they must "love more than things of my lap, love me," and yet Meredith always kept himself "planted in good gross earth," never out of touch with the pageant of experience. Indeed, if the world of appearance is an essential part of the ultimate reality, there seems no reason why some natures need lose touch with it at all on their way up. Certainly the "blank" stage has peculiar dangers, if also peculiar advantages, and perhaps it is one of the experiences such as those of personal affection that are only valuable when unforced.

The subject of course bristles with difficulties. Not the least of them lies in the supersession of Reason. Miss Underhill does not, perhaps in the limited space at her disposal she could not,

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discuss the questions fully, but it calls for such a discussion. Without it an uneasy feeling is left that the abdication of reason is meant to be both blind and complete. "By love he may be gotten and holden, but by thought never" is quoted without comment or modification. It is possible to be told that reason might come to see that for its own completion it needed something that was not strictly speaking reason at all. It is possible to be told that at present we can somehow be aware of realities which we cannot bring fully into our range, but may we not hope that one day we shall? Unless there is some goal of this kind before us it would seem that our Spirit must always be divided against itself.

The thought of the present war gives a deep and poignant interest to the discussion of the "Night of the Soul," that desolation of complete self-sacrifice through which all the mystics pass. In these days when so many are willingly giving up their lives with no hope of immortality we can feel as perhaps never before the greatness in a surrender that asks nothing at all in return, not even an enduring spiritual satisfaction. We are reminded of Sidgwick's feeling that the ignorance of what is to come after death may be the best soil for heroism. Because of that he was prepared to say that, though he believed immortality to be true and necessary to the justice of the universe, he could be content not yet to know its truth. In one of his letters—(to Roden Noel Memoirs, p. 338) he writes that while he "could not endure an unjust universe in which Good Absolute was not also good for each," on the other hand he felt "that the *certain knowledge* that justice ruled the universe would preclude the unselfish choice of Good as Good. From this point of view "hope rather than *certainty* is fit for us in this earthly existence. For if we had certainty there would be no room for the sublimest effort of our mental life—self-sacrifice and the moral choice of Good as Good, though not perhaps good for us here and now."

In the little book before us, Miss Underhill shows that the mystics do make just that effort at its hardest and go through a death at least as terrible as the death faced on the battlefield by one who has no thought of "rising again." But with the mystics, as with Sidgwick's hope, the final view does not imply an unjust universe where the brave and noble are annihilated but one where he "who has died with his own attributes wholly into God is sure of eternal life" (p. 128, quoted from Ruysbroeck).

F. Melian Stawell.

London, England.

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THE BELIEF IN GOD AND IMMORTALITY. By James H. Leuba. Boston: Sherman French and Company, 1916. Pp. xvii, 340.

This volume offers (1) a brief discussion of the origin and nature of the belief in immortality; (2) the results of a statistical study concerning beliefs in immortality and in a personal God; (3) thoughts as to the utility of such beliefs.

Professor Leuba points out a distinction between primitive and modern beliefs in immortality. The primitive belief is the result of various experiences which the author calls perceptual. Among these are exteriorized memory images, "sense of presence," dreams, visions, the natural endlessness of man, vegetation and insect metamorphoses, reflections, and echoes. The modern belief arose as a result of the "breaking down of the national hope and pride, the appearance of the individualistic spirit and of personal relations with the gods, taken in connection with the prolongation of the spiritual greatness of man" (p. 113). "The modern belief in immortality is conceived of a fulfillment of a man's most precious ideals." Professor Leuba thinks of the primitive belief as an unavoidable interpretation of facts directly perceived which have no moral significance (p. 123). The modern belief is the creation of desire. The one ends in a repulsive condition which is to be avoided, while the other works toward a condition of blessed perfection.

This work of Professor Leuba is especially instructive in that it overcomes the objectionable tendency discernible in recent literature, of making too close an association between the modern and the primitive man. In such a phenomenon as a belief in immortality it is very easy to confuse entirely different beliefs because the idea of continuity is common to them. It is very easy to forget that very diverse conditions bring about diverse attitudes in people.

Professor Leuba concludes that so far there are no sufficient metaphysical or scientific grounds for the belief in immortality.

The statistical part of the book consists of the presentations of results obtained from a study of the prevalence of the belief by the questionnaire method. A sample statement which was to be affirmed or denied is "I believe in personal immortality for all men." The questionnaire was answered by (a) college students (9 colleges), (b) students in a single institution, and (c) scientists, historians, sociologists, and psychologists (about 750 in all). A summarizing chart "shows that in any class of persons investi-

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gated the number of believers in God is less than the number of non-believers, and that the number of believers in immortality is somewhat larger than in a personal God." The charts show that among the more distinguished scientists and other distinguished men, unbelief is much more frequent than among the less distinguished. The author accepts these results at their face value, disregarding the fact that there is no attempt to define the terms used. Under the circumstances one might expect a great variation in the meanings attached to these terms. It is clear that these results show merely that the general tendency seems to be toward a decrease in the belief in God and immortality whatever they may be. There are no indications as to precisely what is believed concerning the matters in question. Some might believe fervently in the things which others do not believe in, and yet all might report no belief. The difficulty in finding out what is believed is brought out in the fact that Professor Leuba was unable to obtain usable material from the philosophers. They seemed to insist too much upon knowing the meanings attached to the terms used.

The author accounts for the results on the basis of greater moral and intellectual freedom in the unbelievers. This would be a suitable explanation did the facts indicate a rejection of such beliefs because of a critical examination of them, but, unfortunately, such facts are lacking.

Respecting the ethical situation, Professor Leuba believes that a science of ethics which requires immortality would be quite unsafely supported. The final implication is that the belief in immortality serves no useful purpose in our present civilization.

The reader of this study can but be impressed with the fact that in this book is discussed with the fair spirit of critical inquiry a subject that in recent literature has been even unscrupulously handled.

J. R. KANTOR.

THE SPIRITUAL ASCENT OF MAN. By W. Tudor Jones, D. Phil., with an Introduction by A. L. Smith, M.A., Master of Balliol College, Oxford. London: University of London Press; Published for the Press Company by Hodder & Stoughton, 1916. Pp. xii, 241. Price, 5s. net.

One of our greatest English thinkers said some few years ago that as long as English writers on religion declined to be in earnest

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with philosophy they would speak on some topics, if not ignorantly, at least without proper knowledge and understanding. Whatever truth there may be in this statement the reproach it implies cannot fairly be levelled against the author of *The Spiritual Ascent of Man*. For this book is clearly the fruit both of wide philosophical reading and of hard philosophical thought. Its central idea, moreover, has been worked out in conformity with a philosophical plan which is itself an integral part of its purpose. It is certainly a book which all who have the cause of religion at heart would do well to read and ponder. The book appears at an opportune time. The Master of Balliol, who has written a very genial and kindly Introduction to it, remarked in the hearing of the writer of this review that the conflict in which the nations of Europe are now plunged would leave a more profound mark on the history of the world than any event since the birth of Christianity. With that we agree. And it will be true, we are convinced, in no respect more than in respect of religion. In spite of, or rather perhaps, by reason of its untold evil and sorrow and suffering the war has tremendously quickened our sense of religion, tremendously deepened our need for its consolation and support. But, recognising this, we cannot also be blind to the fact that this quickened sense, this deepened need, owe much to our present emergencies and will require to be sustained when, in God's good time, those emergencies are safely passed. The feeling which is aroused in the moment of storm and tumult is all too prone to fade away when the storm and tumult have ceased. Our belief in the reality of religion must then be grounded in something more permanent than emergency. And what that ground is and what is its justification, is, we may say, the purpose of *The Spiritual Ascent of Man*. There are two main avenues of approach to the consideration of religion. The one, starting from actual historical religious systems, seeks, as it were, to distil from them their common spiritual essence. The other starts from human reason, where by reason we mean that restless and yet calm, clear faculty whose source is the unity within man's nature and whose goal is the unity of the nature within and the nature without. Probing the conditions of human reason itself, analysing the complexes such as science and morality and art in which, to use a phrase of the author, that reason has become incarnate, it endeavours to show how, in these things, the true foundations of religion are laid. It is the second method that

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the author of this book has mainly followed. With it as a clue, he steadily pursues his way towards the summit of his theme. He shows us that if we follow out faithfully the implications of the activities of reason in science, morality and so forth, none of these separate spheres is self-contained and self-subsistent. Each of them comes for the solution of its final problems to something above and beyond itself. And as we rise from the level of the lower to the level of the higher we are brought at last to the completion of them all in religion. Religion and God, these are the profound realities, the ultimate issues, to which *The Spiritual Ascent of Man* leads us. But this is not the end of the matter. For, as the author insists, religion is not merely *knowing;* it is also *being*. And since *being* for us men consists in activity, *being* necessarily means *doing*. To be sure, *knowing* is likewise *doing*. But the *doing* that is here in question is the doing that embraces the whole of our activities. For every side of our being a place must be found in religion; and any religion that refuses to recognise this is doomed to end in barrenness and failure. Some parts of the book are distinctly hard. We do not complain of this. Religion is worth all the pains we may take to understand and appreciate it.

We whole-heartedly commend the book. It is throughout a pleading for those inner realities which because we can experience them are our greatest joy; and yet because our experience of them must be partial and fragmentary are, at the same time, not the least of our distresses.

J. T. Walley.

Bristol, England.

The Christian Ethic of War. By P. T. Forsyth, M.A., D.D. London: Longmans, Green & Company, 1916. Pp. x, 196. Price, 6s. net.

This is a sincere and earnest rather than a clear or a convincing book. As an *argumentum ad hominem* addressed to the Conscientious Objector, whose influence in the Free Churches is far from being a negligible quantity, it is often telling; "to pay taxes . . . is to be as much a partner in the war as fighting would be—with the added enormity of paying others to do an immoral thing which the protestor evades by buying himself off": and it is refreshing to come upon the admission that "Casuistry

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every one has to practice; the question is whether we should use amateur or skilled." But the writer is hampered by a theory of the Atonement without which, he admits, "all I have just been saying falls to the ground as a speculative fantasy," but which few theologians would now discuss seriously. This leaves him open to criticism from more than one side. There are, it seems, three separate Dr. Forsyths: the first as he is, a Puritan of the Cromwellian type, soaked in the Old Testament; the second as he sees himself, an Evangelical Christian nurtured on the New—though on Paul, not on Jesus; the third as he would have others see him, a moral philosopher in revolt against modern ethical conceptions, which (he thinks) lead to what he denounces as an "anthropomorphic religion. That is, its prime interest is man with God to help him. (Ps: xxiii)"—surely a respectable ancestry?—but "it ends in subjective humanism, with God squeezed out." Unlike the Athanasian Trinity, these three are not one. It would be unfair to compare *The Christian Ethic of War* to Monsignor Benson's *Dawn of All.* But a certain purple patch in the latter work will not unfrequently occur to the reader of the former: "The Christ you appeal to is nothing. . . . . Have you never heard of the Wrath of the Lamb?"

The points which Dr. Forsyth wishes to make would have been brought out more clearly had he avoided the obscure theology of the Atonement, and taken them on general rather than on distinctively religious ground. "Whoever expects to find in Scripture a specific direction for every moral doubt that arises, looks for more than he will meet with," says Paley. And, while in a historical sense we may speak of "Christian Ethics" with propriety—what is meant being the development of Ethics in Christian Europe—to do so in the sense of a distinct kind, or species, of Ethics, standing over against other kinds, or species, is open to misconception. For the science of conduct is rational, rather than either Christian or non-Christian; and it is one. The distinction between rational and Christian exists for thought rather than in things. There is, no doubt, a difference of accent and emphasis, to miss which is to land oneself in a rather arid intellectualism. But, in substance, Christianity is a republication, re-statement, and reinforcement of the dictates of reason. Hence its power of development; it grows as reason grows. So that an interpretation, whether of Scripture or of Christianity, which is in conflict with reason and with the institutions in which

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reason embodies itself—Society, Law, the State—is self-refuted. Such positions are better argued not on the ground of religion—this would be endless—but on that of reason. They are unreasonable, *i.e.*, intellectually foolish, and *therefore* (we may insist upon the consequence), morally wrong. It follows that they are not, and cannot be, Christian: the great text of the Cambridge Platonists was "The spirit of man is the candle of the Lord." Where the argument is conducted on other lines, it is difficult to avoid the shoals of religious controversy. To the non-theological reader it will probably seem that in the present work the author's interest is rather theological than ethical; to the theological reader it will seem that the particular theology in whose interest the book has been written is one which has no future and which has had a more than doubtful past.

ALFRED FAWKES.

Ashby St. Ledgers, England.

DIVORCE AS IT MIGHT BE. By E. S. P. Haynes. Cambridge, England: Heffer & Sons. Pp. 81.

Like all Mr. E. S. P. Haynes' work, these fine essays combine a remarkable range of knowledge with a distinctly individual outlook and style. There is something eighteenth century about their close-grained brevity and precision, the grace and felicity of the dedication to H. G. Wells and the memorable irony of the first three pages, the telling passages on pp. 55–56 and p. 60. But no one who has followed Mr. Haynes' strenuous fight against stupidity and cruelty in their most jealously guarded preserves, need to be told that the book is modern and vital in the highest degree. The two main essays, which appeared as articles in the *Fortnightly Review,* present a valuable analysis of the Report of the Divorce Law Commission (which endorses in nearly every particular Mr. Haynes' own suggestions less than six years before), and a bold, comprehensive, constructive defence of divorce by consent, subject to certain time limits and financial provisions. He does not anticipate any legal recognition of divorce by consent in England, for perhaps another century; and here it may be noted that though divorce by consent could be made perfectly compatible with due care for the children, and is the only solution tolerable to human dignity and freedom, yet, if it is not to involve great hardships, injustice to women, it should be post-

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poned until motherhood is *adequately* protected by insurance or endowment, until all women have the knowledge of birth control and all young people a responsible and decent sex education. It may be that, in the words of Mr. Walter Lippmann: The family has survived all manner of stupidity. It will survive the application of intelligence, but as Mr. Haynes points out, the family is being subjected to immense strain by present conditions. Quite apart from feminism, an increasing number of men are finding the only legally recognized form of sex-relationship quite beyond their means; and in Europe the shortage of young adult men after the war will be a further disintegrating factor. Yet in England the forces of apathy and reaction continue to oppose all attempts to alter laws which resemble nothing but a revoltingly indecent and cruel practical joke and are as indefensible from the standpoint of Catholicism as from that of rational humanity; just as they annually waste thousands of infant lives, and maunder over the declining birth-rate. Probably any change for the better depends on a far greater amount of conscious "direct action" than English people at present contemplates. I believe the society of the future will recognize the extreme variety of emotional ideals and proclivities in human beings; and I hope Mr. Haynes will find time to expand the ideas presented in this book still further, to turn his very vigorous, versatile, original mind and knowledge of books and men, on the *whole* fabric of superstitious humbug and commercialized waste. His firm clear sense of vital values is much more characteristic of the French than the English mind.

F. W. STELLA BROWNE.

London, England.

SHORTER NOTICES.

NEW ESSAYS CONCERNING HUMAN UNDERSTANDING. By Gottfried Wilhelm Leibnitz. Translated by A. G. Langley. Chicago and London: The Open Court Publishing Company, 1916. Pp. xix, 861.

This translation of Leibnitz's important book, the *Nouveaux Essais*, and other pieces, is appropriately republished under date 1916, which year marks the two hundredth since the great philosopher's death. The new publisher is the Open Court Publishing Company whose efforts in making philosophical classics available to many readers merit the highest commendation. The present volume, though printed from the same plates, is nevertheless an improved book. The paper used is thinner and the large bulk of the first edition is considerably reduced. There is an addition in the way of a portrait of the philosopher from the well known series which the Open Court Company published some years ago. One is espe-

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cially moved to note any improvement in the external makeup of the book because of the unfortunate failure to make any change in the serious defects of the translation as first issued.

J. K.

HYGIENE IN MEXICO, A STUDY OF SANITARY AND EDUCATIONAL PROBLEMS. By Alberto J. Pani. New York: G. P. Putnam's Sons, 1917. Pp. xi, 206.

The ethical problems presented by conditions in Mexico are many in number, and deep rooted in their implications. Knowing that morality is a function of actual life conditions, one is not surprised at the intolerable and disgraceful disrespect for life and property in Mexico. Being an engineer, Mr. Pani attacks his problem from the hygienic standpoint. He finds that the City of Mexico taken as an example is the most unhealthful city in the whole world. The coefficient of mortality is three times that of American cities. The general problem of education is a pressing one, and the terribly unsanitary conditions may be attributed to ignorance. This problem is closely related to the fact of the extreme poverty of the people. Mr. Pani recommends the intellectual and economic improvement of the people in order to bring about healthful living conditions in the Republic.

J. K.

NICHIREN, THE BUDDHIST PROPHET. By M. Anesaki. Cambridge: Harvard University Press, 1916. Pp. xi, 160.

This is the very interesting biography of a Buddhist prophet of the thirteenth century. Nichiren is a man of extreme human sympathy who devotes his life to the purification of Buddhism in Japan, and the spreading of the gospel of the Lotus of Truth. This little volume will prove instructive to those who wish to know something of the life of Japan in the thirteenth century.

J. K.

PSYCHIC PHENOMENA, SCIENCE AND IMMORTALITY. By Henry Frank. Boston: Sherman French and Company, 1916. Pp. 543.

This book is offered as a scientific solution of the problem of immortality; the author claims to establish the truth of immortality on a physical foundation. He attempts to account for "extra-normal" phenomena (psychic) as the work of an agency which is a refined substance. The substance is the secret seat of the psychic energies, and may survive the body. Mr. Frank believes the recent discoveries in radio-activity may be interpreted to support such a view as he holds. This book may be taken to be typical of a literature which by an uncritical web of intellectual dross spun about a core of fact does serious harm to the progress of knowledge. Many persons are misguided by the apparently scientific nature of the material, and are led into absurd beliefs.

J. K.

THE OLD TESTAMENT IN THE LIGHT OF TO-DAY. By William Frederic Bade. Boston and New York: Houghton Mifflin Company, 1915. Pp. xxii, 318. Price, $1.75 net.

This very readable account of the development of the Old Testament religion and ethics is not designed primarily as a scientific contribution but

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is rather addressed to those who are somewhat perplexed by the ethical crudity of many parts of the Old Testament.

The aim is to show such readers that the Old Testament is not all one piece but represents a religious and moral growth of several hundred years. The general point of view, and much of the detail, is familiar to scholars, but it is extraordinary that so little attempt has ever been made to present the actual morals of the people of Israel in genetic fashion for the general reader.

Considerable attention is given by the author to the general nature of tribal morality, to the interaction between the nomad and agricultural situations, and to the influence of the political organization. The account closes with the Exile and does not take up the remarkable reconstruction that took place in consequence of that crisis.

THE SOCIAL LEGISLATION OF THE PRIMITIVE SEMITES. By Henry Schaeffer, Ph.D. New Haven: Yale University Press. London: Humphrey Milford; Oxford University Press, 1915. Pp. xiv, 245. Price, $2.35 net.

This work, growing out of a thesis at the University of Pennsylvania, brings together the social legislation of the Early Semites from the Old Testament and comes chiefly from Mohammedan sources.

Some of the chief topics are Patriarchy, Agnation, Next of Kin, Slavery, Interest, Pledges, Poor Laws, The Year of Jubilee, Ezekiel's Plan of Allotment, Taxation and Tribute. Among the early Semites there was, of course, no such distinction between law and ethics as has come to pass in modern times and the student of ethics will find here much material in convenient form.

J. H. T.

FAITH OR FEAR? An appeal to the Church of England. London: Macmillan & Company, Ltd., 1916. Pp. xii, 264. Price, 3s. 6d. net.

The outbreak of war produced a certain revival of interest in religion; but it has been evident to many people that the Church has not been able to use this opportunity. What is the reason for her failure? The answer given by this little book is that the Church is hampered by formalism and tradition, and corrupted by worldliness. It consists of papers written from a personal point of view by five churchmen, and is both courageous and interesting. It is true that the reader will not find a careful exposition of underlying causes of decay, but rather an enthusiastic attempt to revive the spiritual mission of the Church and a far-reaching denunciation of those evils within which have rendered her ineffective. Thus Mr. Hankey attacks the narrow interpretations imposed by sections of the Church on the doctrine of the Virgin Birth and the Incarnation; Mr. Palmer pleads for more enthusiasm and for the abolition of formulæ, and believes in a progressive and evolutionary theology. Mr. Anson and the Reverend Lewis Donaldson criticise the timid aloofness of the Church from social and political problems—especially from the Labour question, and the latter sees in the ideal Church a democratic institution, uncorrupted by Erastianism. Finally in a paper called the "Test of Living Experience," the Editor, the Reverend C. H. S. Matthews appeals to the Church to give up her perpetual divisions, to purge herself of hypocricy, and to realise an essential comprehensiveness and freedom.

The whole book suffers from the usual defects of latitudinarian thought: the tone of each paper is so individualistic that the message lacks in part not

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only cohesion but sanction and authority. Some of the authors recognise that their interpretations of doctrine are unusual; at the same time Mr. Matthews admits that there is authority in interpretation. The difficulty in the Church of England has always been to discover where the seat of this authority is. We confess to the belief that until there is evolved some intelligible power in the Church that will demand the assent of the majority of her members, the spirit of freedom will not approach that ideal which sincere and liberal-minded men like the authors of this book regard as the hope of the future. What the spirit is, which should inform that authority, is another matter; and here we share the point of view of our authors. They write "In the Hour of Self-Criticism and Repentance," and their message is intended especially for churchmen. They insist rightly on the spiritual need of the Church rather than on her ethical teaching. For the moral force of a religious institution is derived from that spiritual exaltation which sets it before men's eyes as a "*beseelte Gesellschaft*" and exhibits (in the words of Mr. Hankey) "not controversy, but demonstration, not logic but power."

A. E. F.

London, England

THE PROBLEM OF PERSONALITY. A Critical and Constructive Study in the Light of Recent Thought. By Ernest Northcroft Merrington, M.A., Ph.D. London: Macmillan & Company, Ltd., 1916. Pp. x, 229. Price, 5s.

There was probably never a time when philosophy, in the technical sense of the word, appealed to so small an audience as to-day. The mind does not "bite upon it": psychology, criticism, history flourish; speculation declines. There is more than one reason for this. The old Ontology is waterlogged; the great German System Schools, while they vastly extended the outlook of the human mind, fell more and more (it seemed) out of touch with the actual; and what may be called the "stopgap" substitutes for Philosophy—Associationalism, Pragmatism, Vitalism, etc.—leave the impression of being temporary expedients, and of evading the real issues. *Mox illos sua fata manent majore sub hoste:* the stubborn core of reality outlasts both systems and expedients. Whether we call reality a shadow thrown by mind, or mind a shadow thrown by reality, both are "ever with us"; neither can be got rid of by being ignored.

The author states his main thesis succinctly: "The present work represents an effort to state the problem of Personality in relation to some of the fundamental truths of philosophy and theology."

The first part of this book is occupied with an examination of certain views of the Self held by recent philosophers in Britain and America—James, Bradley, Royce, Howison, Schiller, H. Rashdall and Pringle-Pattison; the second is a thesis, published with the authority of the Division of Philosophy of Harvard University, by which it was accepted as part of the author's work for the degree of Doctor of Philosophy. The former is solid, ingenious, and suggestive; the latter is an important contribution to modern speculative thought.

"The part of your thesis which hits me hardest," wrote William James to the author, "is the remarks on Experience." For "like a great snowstorm this vague concept has buried beneath a colourless and uniform surface the various grades of reality and the chief problems of philosophy." The unanimity of widely differing schools in adopting it as a starting point "is not really an evidence of the value of the concept as used; it is rather an

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incentive to the critic to point out the vagueness and ambiguity of the term, and to see in it one cause of the present-day confusion in metaphysics." The Self—"ever the most difficult concept for metaphysics and the most recalcitrant fact for science"—has been the chief sufferer. For the notion of Experience is, and will remain, ambiguous till its implication of Selfhood is recognised: what experience signifies is "the content of consciousness—the stream of objects as present to the Subject, or Subjects, whose experience it is."

From this analysis of Experience the meaning of Personality and its related concepts is derived. The position that Self is real and the true basis of reality follows: and the discussion of the Metaphysic first of Existence and then of Values leads to an exposition of the Metaphysic of Reality, the whole pointing to the conclusion that, while existing criticisms of Monism are themselves open to criticism, Monism, at least as it has been presented to us, is no solution of the problem of speculation. Dualism is, we may believe, not final: but, so far, the element of duality has not been overcome.

A. F.

Ashby St. Ledgers, England.

ESSAYS IN WAR-TIME. Havelock Ellis. London: Constable & Company, Ltd., 1916. Pp. xvii, 256. Price, 5s. net.

The sanity and integrity of Dr. Ellis' vision and his accurate analysis of some of the shibboleths of "biology" and politics (as expounded by the pulpit, the halfpenny press, and other stupefying and corrupting agencies) will, of course, be much resented. But the immediate urgency, as well as the profound intrinsic importance of the subjects of these *Essays* should ensure them attention and discussion; and the writing is delightful in its subtlety and distinction, its wealth of suggestion and implication, and deep quiet humour. The three concluding articles on Birth-Control and the close-packed little Essay on "Marriage and Divorce" are particularly fine, in their characteristically unflinching and beautiful treatment of sexual subjects. "Masculinism versus Feminism" stresses a point which many feminists are apt to forget, that a real civilisation should give scope for the mental and physical strength, initiative and invention of men, as well as for the special qualities of women. "Eugenics and Genius" and "The Production of Ability" are penetrating exposures of current generalisations and dogmatism, and show the need for careful and *individualised* biological research. The Essays dealing with the War, though admirable in tone, are less clear and sure in touch than the rest.

F. W. STELLA BROWNE.

London, England.

TOWARDS A SANE FEMINISM. By Wilma Meikle. London: Grant Richards, Ltd., 1916. Pp. 168. Price, 3s. 6d. net.

An insistent argument that for women the way to enfranchisement lies through efficient organization in trade unions, and entry into commerce and business on a large scale. It is a pity this theme is not worked out in more detail on the affirmative side. The criticisms of the Pankhurst psychology, and the snobbish, pretentious fraud of the Higher Education for Women at the older universities, are admirable and much to the point. The style is clear and terse, with a graphic pictorial quality, but Wilma Meikle should beware of facile antitheses and off-hand dogmatism. She

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often sacrifices accuracy to effect in the later Wells manner. She might have illustrated official suffragism's bondage to humbug, by the manner in which various leaders hastened to denounce and repudiate the *Free Woman*, at the challenge of Mrs. Humphry Ward. She brings out the immense variety of temperaments and theories among suffragists, as regards sex, but is quite priggishly pessimistic about the Hetaira type.

F. W. STELLA BROWNE.

THE PSYCHOLOGY OF RELAXATION. By George Thomas White Patrick, Ph.D. Boston and New York: Houghton Mifflin Company, 1916. Pp. 280.

In this book important matters are treated from a scientific point of view but in a very readable style and delightful manner. Play, sport, laughter, profanity, alcohol, and war are considered. All these illustrate in the author's view one fundamental law, that of relief from the stress and tension which characterizes our modern life. Such a treatment is far more fundamental than the ordinary attitude of the reformer on the one hand or the unthinking and optimistic promoters of efficiency and intensity on the other. The book is a well-timed reminder that the human machine has certain inherent limits and that we need to consider our whole system of life and education from the point of view of these limits.

J. H. T.

PHILOSOPHY: AN AUTOBIOGRAPHICAL FRAGMENT. By Henrie Waste. New York: Longmans, Green and Company, 1917. Pp. 274. Price, $1.25.

In this book an American girl tells the story of her search for a unifying and integrating of her own personality and of her conception of the world through the study of philosophy. In Freiburg she comes to love a fellow student with whom she works and talks. And though she attributes to her love no more than a quickening of her philosophical processes, one finishes the book with a strong sense of the truth of Bradley's aphorism: "To love unsatisfied the world is a mystery which love satisfied seems to comprehend. The latter is wrong only because it cannot be content without thinking itself right."

A. B. A.

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THE INTERNATIONAL
JOURNAL OF ETHICS

JULY, 1917.

THE ESSENTIAL DEMOCRACY OF RUSSIA.

BY VICTOR S. YARROS.

WHEN the news of the successful and relatively bloodless revolution in Russia had reached the western nations, the first questions, more or less definitely formulated and put, were these: Is Russia fit for freedom, for republican or genuinely constitutional government, for democratic institutions? Does not Russia, a loose, sprawling, heterogeneous empire, a veritable Babel of tongues and races, need a strong monarchical government, a potent unifying force? Has not the monarchy done great things for Russia in the past? Would Russia's wonderful expansion eastward have been possible under a weak government? And if the monarchy has been indispensable, has the time really come to overthrow it? Are not the centrifugal forces of Russia stronger and more numerous than the centripetal ones, and is there not, consequently, danger of anarchy and dissolution in advanced constitutionalism, to say nothing of republicanism?

In addition to these first-thought queries, others were not long in suggesting themselves, at least to those who had studied more or less scientific literature dealing with Russian history, national psychology, and religio-ethical conditions. Were not the peasants politically superstitious, devoted to the "divinely-appointed" White Czar, the head of the church as well as of the state? Would the

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peasantry sustain and accept the authority of an elected head of a lay, democratic republic? Do the peasants and the urban proletariat understand self-government and representative institutions, and would they co-operate with the more educated elements in the orderly processes of legislation and administration?

Years ago, in the midst of insurrection and terror, Russia was aptly described as "a despotism tempered by assassination." At that time it was generally assumed that Russian nature was so "extreme" that the tyranny and cruel savagery of the autocracy and its instruments could only be measurably restrained by merciless revolutionary violence—by bombs and terrorist conspiracies. Constitutionalism spells give-and-take, compromise, discussion and toleration, willingness to abide by decisions duly reached by the constituted authorities. Can we think of such a state of mind, and of the machinery, arrangements, checks and balances that it implies, in connection with Russia, "half-Asiatic," inefficient, corruption-ridden, indolent Russia?

An attempt to answer such questions as these will be made in the following pages. The fact is that the sins and crimes of the Russian autocracy and bureaucracy have so monopolized, or obscured, western vision, that but little justice has been done to the people of Russia. When one thought of Russia he inevitably thought of executions, of Siberian mines, of martial law, of persecution and oppression of non-Russian races—Jews, Poles, Finns—and of government by ukase and caprice. When one thought of Russia, he thought of pogroms, of Cossack knouts, of ignorance, of illiteracy, of drink, and of wholesale bribery. Assuredly, *these* things do not suggest orderly democratic government, government by discussion and compromise, peaceful elections and cheerful obedience to law on the part of disciplined and intelligent citizens. But there are many factors and forces in Russian life, traits of Russian character, historic Russian institutions, which severally and jointly argue powerfully for the possibility of consti-

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tutionalism and democracy in the Russian empire. These factors are, chiefly, these:

The Mir, or the Village Commune.

The Artiel, or the Workers' Guild and Co-Operative Union.

The Zemstva, or District and Provincial Commissions.

The Self-Government or Home Rule principle so far as it has been applied in the cities.

The Trade Unions.

Western Influences generally.

The Zemstvo.

Logically, these several institutions should be treated in the order of their historical development. But the wonderful and heartening things that have been happening in Russia have naturally stressed the rôle that has been played by the zemstvo organizations. The importance of these organizations at this time can hardly be over estimated. Without them, indeed, the revolution could not have taken place except as a purely destructive insurrection and a violent demonstration against a bankrupt régime incapable even of defending the country against enemies and traitors among its own instruments and tools. Disorder, chaos and anarchy could hardly have been prevented in those circumstances. The first victims, undoubtedly, would have been the unfortunate Jews of Russia, as the tragic "pogroms" of 1905—sanguinary riots organized by the "black hundred" leaders for the very purpose of discrediting and overthrowing the liberal régime—abundantly demonstrated.

It should, perhaps, be pointed out here that the "miraculous" success of the recent revolution was principally due to the fact that the provisional government and the committee of the insurgent Duma had these zemstvo organizations throughout the empire at their service and command. It was to these local and provincial organizations that the leaders of the revolution at once turned and appealed. In most cases, all that was done, and that needed

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to be done, was to telegraph to the local representative of the autocratic-bureaucratic régime, ordering him to resign his position and hand over his records, seal, etc., to the president of the local zemstvo. This infinitely more efficient and honest agency stood ready to assume and discharge the functions of the dismissed bureaucrat and his staff. If the troops and police of the locality were in sympathy with the revolution, all was easy and simple, for any reactionary bureaucrat who evinced a disposition to resist would be placed under arrest. Happily, practically throughout the empire the troops and police did sympathize with the revolution and obeyed orders of the provisional government. Only in a few cases did the police oppose the new régime and have to be disarmed by the better-informed and more liberal army leaders.

Much has been written about these remarkable organizations, the zemstva. They have had many ups and downs, periods of hope and faith, of exaltation and enthusiasm, and longer periods of depression, gloom, apathy and even despair. Every weighty work on modern Russia devotes chapters to the genesis and development of the Russian zemstvo. The just translated and published work of Prof. Alexander Kornilov of Petrograd, entitled "Modern Russian History," furnishes an admirable summary of the zemstvo story, and to that work the reader may be referred for more data than can be given here.

The zemstvo organizations were created in 1864, after the Emancipation, and while the act calling these self-government organs into existence represented a compromise necessitated by the opposition of the nobility and landowners, it was a great step forward. The commission that had been appointed by the government to study the problems of local administration and recommend changes in harmony with the "new freedom" of the peasants appreciated the necessity of "reorganization to improve the social life of the country through the participation in government of all capable and living forces of society." Under the régime of serfdom the master and landlord was the

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sole and practically absolute representative of the imperial power on his estate, and the police and judicial functions were discharged by petty nobles, agents of the slave-holding nobility. Under the new régime no such monopoly was possible, and new organs were indispensable.

The zemstvo officials were, of course, to be elected, not appointed. The electors were divided into three curiæ—the curia of private landowners, the curia of village communities, or mirs, and that of urban residents possessing certain property or professional qualifications. The total number of delegates elected by one curia could not exceed the total number elected by the two other curiæ combined. The suffrage was, for Russia of that time, fairly liberal and democratic. As to the structure and functions of these bodies, the following quotation from Professor Kornilov's admirable sketch sufficiently covers the point:

> The zemstvo organs of the province, as well as of the district, were divided into those of regulation and those of execution. The first were instituted as zemstvo assemblies of delegates elected by the curiæ; the number of the delegates to the district assembly varied according to the size of the district, or from fourteen to over a hundred; the provincial assemblies were composed of provincial delegates elected by the district assemblies. The presidents of the district assemblies were marshals of the district nobility; the presidents of the provincial assemblies, provincial marshals of nobility.
>
> The district assemblies were to manage the economic affairs of the district; the provincial, the economic matters that concerned the whole province. The district assemblies were made completely independent of the provincial. The assemblies of both categories were to convene once every year for the determination of a general policy of administration, for the confirmation of the budget—having the right to tax real estate and the commercial and industrial establishment within their region—and, finally, for the election of executive organs which were to manage the entire business, as well as for the examination and approval of the annual accounts presented by these executive organs, called Boards, provincial and district, each composed of a chairman and several members. The delegates were to be elected for three years, and the boards for the same term, by the assemblies.
>
> As to the scope of the zemstvo institutions . . . at first it was proposed to hand over to them those matters that had been managed before the Emancipation by the local administration, of which the most important were: the construction and maintenance of roads and high-

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ways, hospitals and asylums, and alimentary affairs. . . . The power of the zemstvo was, however, expanded to include local education, the construction of churches and prisons, the organization and development of medical and veterinary aid, etc.

The introduction of the zemstvos was very gradual, the government soon regretting that it had been so liberal in promoting local self-rule and autonomy. Professor Kornilov says:

The zemstvo institutions had to begin their activities under very unfavorable circumstances, for in 1866 reaction was [already] triumphant throughout Russia.

Such is Bourbonism! The bitter lessons of the Crimean war and the collapse of the régime of serfdom and satrap tyranny were forgotten in less than a decade. The zemstvos, continues Professor Kornilov,

were regarded with hostility by all governmental organs, local and central, and were soon limited in their power of taxing commercial and industrial establishments; then the publicity and accessibility of the assemblies was restricted and the freedom of their discussion curtailed, in consequence of which facts many valuable and worthy zemstvo workers soon lost interest in the work and withdrew from the personnel of the boards and assemblies.

The reaction which set in so soon after the post-bellum reforms lasted, with but few insignificant and short-lived interruptions, until 1905, the "terrible year" of the Russo-Japanese war. The zemstvo institutions, with other liberal and democratic organs of Russia, played an important part in the risings and demonstrations of 1905. The autocracy and the bureaucracy were weak, discredited and alarmed. The opportunity was improved by the zemstvos, and national conventions were held to take stock, consider the state of the country and extort reforms from the government. The reaction which followed the return of peace did not spare the zemstvos, but they managed to weather the severe political storms and to continue their preparations for the greater activities and responsibilities which, they instinctively felt, surely awaited them. They knew that the country was in no mood to surrender to the autocracy, that strife and insurrection were inevitable, and

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that the training and discipline of the zemstvo workers and legislators would prove invaluable. How the event has justified them!

Municipal Self-Government.

In considering the "preparedness" of the Russian people for self-government, the evolution of municipal autonomy should not be ignored. Empress Catherine, a "westerner" who, with all her faults and ridiculous pretensions to culture and philosophic breadth, must be credited with a certain amount of half-sincere liberalism, granted the cities of Russia considerable powers of self-government. Her charter provided for the establishment of a municipal duma, and divided the population of cities into six classes for electoral purposes. The elected members of the municipal assembly in turn elected an executive of six members. Paul I lost no time after his accession in repealing this statute or charter, for he perceived and pointed out, quite rightly, that self-government in cities was incompatible with the autocratic and absolutist order which he intended to preserve. To teach his subjects self-government was, plainly, to teach them distrust and dislike of bureaucratic rule, irresponsible and arbitrary save to the extent to which it professed to represent the wishes of the benevolent czar, who was supposed to be above all suspicion of selfishness or partiality.

Alexander I restored the municipal charter, but for several decades the majority of the inhabitants of the cities, not excepting the great cities, neglected the opportunities and privileges they nominally possessed. Local dumas and mayors were, indeed, elected, but only by small groups of persons—often by not more than one-twentieth of the qualified electorate. The chief reason for this apathy was, undoubtedly, the utter inadequacy of the legal power enjoyed by the "self-governing" cities. The duma had no taxing power; it had to beg of the prosperous small sums for the paving or lighting of streets. The police were controlled by the imperial government, and were not only

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independent of the local administration but superior to it. Indeed, the police authorities watched and spied upon the members of the city assembly or the executive, and everything that appeared "suspicious," or too liberal, was promptly denounced and suppressed.

But in 1846 a group of semi-progressive ministers worked out a more substantial charter for the government of St. Petersburg. Under that charter the duma of the capital was to be elected by six orders, the last order being composed of small merchants, commoners and artisans. Every order was entitled to a hundred or more representatives. The autocracy soon repented of this concession; it was afraid of the large and fairly representative duma of the capital, which might create unpleasant precedents and arouse ambitions in other cities. The charter was modified, but not so radically as to destroy its value. After the collapse of the autocratic régime during the Crimean war, the St. Petersburg charter actually served as a model to many municipalities, which petitioned for the extension of its provisions and privileges to their own respective populations. The government yielded slightly to these demands, but not until 1870 did it sanction a statute establishing dumas in all important cities and making them independent of the provincial governors and other satraps. This statute adopted the Prussian class system as a basis for suffrage. Three curiæ were created, and each were allowed an equal number of representatives. One third of the municipal assembly thus represented the small taxpayers.

However, the objection to the system was not so much that it was "Prussian," anti-democratic, in that it recognized class divisions and gave an undue representation to the wealthy taxpayers, as that it shackled and restricted the city dumas in various ways and provided them with no means at all adequate to their needs, or the needs of the populations to be served. Their taxing power was deliberately limited, and they could do little even for primary education, sanitation and health. What was valuable in

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the system was the fact that the city dumas, like the district and provincial zemstvo assemblies, were made independent of the bureaucracy, the local representatives of the imperial government, and subject directly to the imperial Senate. The provincial governors were expected to watch the democratic and elective city assemblies, and to report any "illegal" action or plan of action, but direct interference was supposed to be impossible.

As in the case of the zemstvo, so in the case of the city assembly, the intelligent people, and even the peasantry, were under no illusion or misapprehension concerning the motives of the government, or the bureaucracy, in thus jealously restricting the scope and powers of the democratic and representative bodies that had to be created under the compulsion of hard necessity. It was perfectly well understood that the government was afraid of the new institutions. This fear constantly led to friction and collision, and little by little the growing antagonism alienated all that was sincere, progressive, liberal in Russia from the autocracy and its tools.

For decades, the zemstvo and city duma workers agitated, begged, petitioned, labored—so far as the censorship, martial law and bureaucratic tyranny permitted agitation and effort—for an extension of the principle of self-government and the taxing powers of the elective assemblies. For decades, tens of thousands of moderate liberals, supporters of the autocracy in principle, asked and aspired to nothing more than mild reforms of this kind. They knew that the bureaucracy was corrupt, selfish, incompetent; they knew that no progress—economic, social or moral—was possible under satrap government. They improved every chance to lay their views before half-liberal ministers on the subject. They prepared valuable studies and reports on industrial, agricultural and administrative conditions in the various sections of the empire, and superabundantly demonstrated the need of more self-government, more local independence, more democratic institutions. The boldest demand they ever made was the demand for a Zemsky

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Sobor—a national assembly of zemstvo workers. Such an assembly, they urged, would enlighten the autocracy and enable the generous-minded and patriotic czar to form a clear and impartial view of the situation. Such an assembly would furnish a golden mean between reactionary bureaucrats and extreme anti-monarchical and socialistic revolutionists.

But the bureaucracy never encouraged the dreams and hopes of these moderate progressives. They felt and knew that national zemstvo co-operation, the meeting and note-comparing of sincere, liberal local leaders and workers, would tend to undermine their régime and to teach the people self-reliance and initiative. To talk of a Zemsky Sobor was, therefore, to talk sedition and treason. The czar himself, with his mind poisoned by the bureaucrats, censured severely the respectful and loyal petitioners of the zemstvo assemblies; imperial and national affairs were none of their concern; the autocracy was entirely capable of managing these affairs, and, moreover, it knew how far Russia might safely be permitted to go in the direction of self-government. If the zemstvo and city assemblies had but little power and scope, it was because more power would be misused and abused by them. They should be grateful for the opportunities they were enjoying! To repeat, this bigoted, short-sighted policy tended to alienate and drive into the opposition all that was unselfish and even moderately liberal in Russian society. This policy meant suicide and moral bankruptcy for the autocracy.

The Trade Unions.

Practically speaking, there is no bourgeoisie, no great middle class, in Russia. As late as 1905 Prof. Paul Milyukov said in one of his lectures at the University of Chicago:

> It is well known that the lower classes in Russia consist largely of agriculturists. The number of workmen in the factories does not exceed two millions, and to a large extent even now they form not a separate class, but a part of the same peasant class which finds temporary employment in the factories in addition to their farm work. The political rôle of the

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workingman has just begun, and, as was to be expected, it at once gave an important meaning to the socialistic propaganda. . . . The labor movement in Russia is developing along lines pretty similar to those of other countries.

Russia possesses no such bourgeoisie, or great and active middle class, as exists in western Europe. Russia's middle class is neither wealthy, enlightened, nor strong enough in numbers—to quote Professor Milyukov again, to have real political influence. The socialistic propaganda has, therefore, met with little opposition from the elements that are supposed to favor individualism and freedom of competition. Collectivism has made so much headway in Russian labor circles that at one time the alarmed government, acting on the advice of an intelligent renegade, deliberately encouraged the formation of "loyal" trade unions. No other way, the government and its police tools thought, appeared open to them if the spread of revolutionary socialism was to be checked. It hardly needs saying that the "loyal" and conservative trade unions did not remain loyal and conservative very long. In spite of police favors, of bribes, of receptions by the czar, of instigated strikes, these unions either collapsed or went over to the revolutionary movement.

Thus the trade unions of Russia are to-day a decided force not only for western socialism but for such political institutions, republican or democratic, as are seen to be essential to the development of economic democracy. There are many extremists among the unionised Russian workmen; their leaders call themselves "international socialists" and entertain ideas and ambitions which the most liberal leaders of the nobility and the manufacturing and commercial elements cannot possibly sympathize with. In the course of time dissensions and splits are certain to occur, but the majority of the organized workmen realize the need of solidarity, of co-operation with the liberals and constitutionalists in the preliminary task of establishing democratic and constitutional forms of imperial and national government.

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Western Influences.

It was impossible for Russia to remain an oriental despotism. More than half Asiatic she may indeed be, and some of her intellectual and moral leaders have at times turned their faces eastward rather than westward, hoping and expecting to effect a reconciliation between the little that, in their eyes, is worthy in western civilization—in democracy, in constitutionalism, in the great industry, in scientific direction of industry—and what is noble and glorious in the East—religious devotion, the contemplative life, idealism, fraternalism. But Russia's autocracy and bureaucracy have never exemplified the idealism and the spiritualism of the East. All that, in practice, they cared for was the stagnation and the corruption of Asiatic despotism. Russia has long had too many windows fronting the West to be patient and submissive to despotism and to bureaucratic indolence, inefficiency and obscurantism. Nothing western in the last hundred years remained for any length of time alien to Russia. Every important western school of philosophy, of thought, of politics has had its adherents and its active propagandists in Russia. Her universities—in spite of all the censors and police restrictions—her literature, and, above all, her admirable monthly reviews, annuals and other periodicals have never failed—again in spite of all the censors, police regulations and prosecutions—to interpret advanced western thought to Russian intellectuals and to assimilate and apply what was general and catholic in such thought. Russia has had her Hegelians, her Comtists, her neo-Kantians, her Spencerians, her Transcendentalists, her Pragmatists, her Realists, and what not. Educated and intelligent Russia, with insignificant exceptions, has been, for over a century, thoroughly western in spirit. It has realized that Russian development, political and industrial, could not possibly differ materially from western development generally; that the institutions and practices that have been found to embody evil and danger in Europe, or America, embodied the same evils and dangers in Russia, and that the safeguards

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and bulwarks that have been established in Europe and America would have to be slowly and painfully established in Russia.

This westernization of Russian thought and letters could not fail to westernize Russian political life. For a century, in fact, or more, the liberal and progressive elements throughout Russia have toiled and suffered for the cause of political progress in the western sense of the term. They have labored for more self-government, for limitations upon autocratic and bureaucratic power, for freedom of speech and publication, for better educational facilities. They have studied European and American experience—campaigns, elections, falls of cabinets, formation and reformation of parties, the emergence of issues and the settling of problems by discussion and compromise—and they have sought to apply the lessons of this experience to their own conditions. This steady growth of a sound western opinion in Russia is a factor whose importance can hardly be exaggerated. It has meant the gradual isolation of the bureaucracy and the autocracy. It has meant the decline and virtual disappearance of the (never very large or powerful) school of Slavophil ideologues and visionaries who talked and wrote of Russia's alleged superiority to the "anarchical" and effete West, of Russia's peculiar good fortune and ability to escape the industrial troubles, the class struggles, the political intrigues and insincerities of the West. With the disappearance of this school, autocracy was deprived of its last fig-leaf, of its last excuse. To be against reform in the western sense and spirit was, at last, to be against any reform whatever of the terrible evils and abuses of Russian life—to be "corrupt and contented." And if a house divided against itself cannot stand, a country in which society—or its thinking and progressive elements, at any rate—and the government are hopelessly divided cannot long remain at peace. The vital forces must in the course of time overcome and defeat the forces of stagnation and dissolution.

But the intelligent and educated elements constitute a very small—not to say an insignificant—minority in

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Russia. The real question is, What of the peasant? Russia is "a peasant empire." Authoritative economists and statisticians state that 80 per cent of Russia is agricultural—or peasant. The government and the institutions of Russia must, in the long run, fit and express the sentiments of the overwhelming majority of the Russian people. Are, then, the peasant masses Asiatic, or European, with reference to democracy, to self-government?

The Mir.

The answer is to be sought and found in Russian history and in the most historic and characteristic of Russian institutions—institutions that unmistakably reveal and express the Russian spirit and soul. The most famous of these is the Mir, or the village community. The Mir has been described, and not inaptly, as "a little republic." There are thousands of these little republics in Russia—thousands of self-governing, democratic communities, whose very existence is a challenge to the autocracy and the bureaucracy, and which have long been dreaded by the reactionaries as a serious menace to their own rule and security. The Mir has been repeatedly attacked, undermined, weakened, shorn of considerable power and function, but it has not been suppressed. It lives to-day, and it will constitute the broadest and firmest foundation for Russian constitutionalism and democracy.

Without idealizing the Mir after the manner of some of the literary or quasi-philosophical Slavophil ideologues, who attributed to it mythical powers and virtues, it is mere common sense to recognize the fact that the village community has taught the peasants the fundamental principles of self-government, of local autonomy. True, the peasants, even since Emancipation, have constituted a special and inferior class; they have never had equality of rights and privileges with other subjects. But even behind unjust discriminations there was the Russian's belief in the beneficence and historic rôle of the Mir. Friends of the peasant did not wish to expose the national type

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exemplified in the member of the Mir to pernicious economic or social influences. The Mir has thus been permitted, and even encouraged, to continue as a world by itself. It was governed by aldermen elected by the peasants at village meetings that may be compared to the early New England town meeting. It had its own judges, who had the legal right to apply traditional and customary law. It managed its economic affairs by the most democratic of principles. It held the title to all the land of the inhabitants—noble landlords excepted, of course—and it allotted and redistributed the communal lands among the heads of families, according to the wants and working capacity of the family. It even had the right of interfering in private family affairs, and of punishing persons by flogging, or by sending them into exile, for brutality to members of the family, for laziness or similar offences.

It is a fact emphasized by Professor Milyukov and other liberals that the Russian Mir has always been first and foremost a weapon in the hands of the government for assessing and levying taxes, collecting rents, and for getting every other kind of local service performed. The elected aldermen of the village have had to serve the government as a kind of lower police officials. Their responsibility to the village electors was never defined by law or by actual practice, and the position of rural alderman was at times so objectionable and difficult that conscientious peasants declined to assume it. The tyranny of the "rural commanders"—appointed local satraps, arbitrary and often corrupt—contributed greatly to the reluctance of good men to run for alderman and mediate between the oppressed and overtaxed peasants and these representatives of the remote and alien bureaucracy.

Nevertheless, notwithstanding all the restrictions and interferences in question, the Mir has continued to be a school of democracy and self-government. The point to be borne in mind is that the intelligent peasant never trusted or liked the rural commander or any other bureaucratic official he came in contact with. The peasants have

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resented the constant encroachments upon their local autonomy, and have demanded and expected the restoration of lost privileges. In their cry for "more land," the Russian peasants until lately have assumed that the nobility and the bureaucracy, rather than the Little Father, the White Czar, opposed the proper solution of the economic or agrarian problem. If the peasants have at last learned the truth, and have given up the myth of autocratic longing for union with the people, the Mir is capable of wonderful work under a régime of true local autonomy.

It is not necessary to go so far as to say with some socialists of an earlier and simpler period than the present that, because of the Mir, the Russian peasant does not need conversion to Socialism, since he "is born a Socialist." The Mir has been idealized and exalted far beyond its deserts. But it is true that every Russian peasant is born a democrat, and that the autocracy has drawn much of its strength from the popular belief that it is itself anti-aristocratic and popular. On this point much has been written by Russian historians and publicists. We must content ourselves here, however, with a very brief quotation from Professor Milyukov's "Russia and Its Crisis":

> The chief of these fixed ideas [ideas cherished for generations by the peasantry] was that of the democratism of autocracy. We know that this idea played an important part in Russian nationalistic views; but undoubtedly it also made up an important ingredient of the popular political consciousness. The origin of the idea is very ancient; it appears together with the actual policy of the Muscovite princes directed against the aristocracy in the 16th century. . . .
>
> Serfdom was not abolished as the peasants would have had it. They wanted their land simply to be restored to them without payment and without any diminution of lots; while, as a matter of fact, they were given only a part of their lands they had been accustomed to think their own, and were obliged to pay for such lots as they received heavy redemption charges, which sometimes ate up all their income. Again, of course, it was not the true freedom. The true freedom was concealed by the nobility. . . . And what about the czar? The czar is good, too, but he ought to be elected for some three years, as their village aldermen are. (Pages 356–61.)

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Naive these notions may indeed be; but even when they were unreservedly entertained by the millions of the Mir-governed peasants they manifestly kept alive the democratic principle. To give, then, to the peasants of our own day, the disillusioned and enlightened peasants who know what the autocracy really was,—to give to these peasants true self-government under a constitutional régime is surely not to give something wholly new, strange, incomprehensible, but to give them something they have prayed and longed for, something they have known in a limited way, something they have valued and cherished.

The Artiel or Co-operative Guild.

There is another famous and ancient institution in Russia that cannot be passed over in any discussion of Russian fitness for free and democratic institutions—namely, the *Artiel.* In the advanced West co-operation is regarded, and justly, as a more equitable and democratic arrangement than that of employer and employe, or of master and servant. Every co-operative association, whether for productive or distributive purposes, is hailed as a step toward a more stable and more reasonable industrial system. Russia is very backward industrially, as we have seen. But co-operation is not unknown to her—or even to her humblest and least educated peasants and cottage laborers. From a recent writer on the subject we gather the following facts:

In 1905 there were 4,479 co-operative societies in Russia. In 1916, the number of such societies had grown to 37,000, and this in spite of the all-pervasive reaction and the special efforts of the police and the bureaucracy to hamper and discourage the movement. These "artiels" are formed in cities, towns and villages for all manner of purposes, such as the production and sale of dairy products, the production of oil, the taking of contracts, the establishment of stores in competition with private retailers, the joint acquisition of argicultural machinery, cattle, etc., and for mutual loans and credit facilities.

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Every co-operative society sooner or later becomes a little center of independent moral and social activity. There are many "Co-operative Houses" which maintain reading rooms and libraries, and provide lectures and superior entertainments.

The district co-operative societies generally form a central union and hold conferences and congresses. Even great national congresses of co-operators have been held —the second in 1913, at which 1,300 delegates attended. Bureaucratic fear and distrust account for the fact that since that year no such congresses have been held. The government had less objection to co-operation as an economic "conservation" policy than to co-operation as a means of teaching Russian workers and small traders the value and benefit of team work and of union for political and moral purposes. The late government dreaded "unions," professional, trade or other, and it never countenanced national congresses. In spite of it, co-operation, like the labor union, like the zemstvo, grew steadily even during the worst period of the reaction, and when, at last, things were ripe for revolution, the co-operators had a prominent rôle to play in preserving order and bringing aid and support to the insurgent Duma and the provisional government.

What concerns us most in connection with the co-operative movement in Russia, however, is not its present anti-autocratic tendencies, but its original and essential democracy. The old *artiel* was a simple affair, and its peasant or proletarian members never suspected that they were "progressive," the augurs of a new industrial order. It was a crude exemplification and embodiment of the principle of mutual aid. It was absolutely democratic, and it was governed by hard-headed notions of convenience and equity.

Assuredly, a country that has such popular institutions as those that have been sketched cannot be considered barbarous, or a menace to western culture, or fit only for an arbitrary, irresponsible autocratic-bureaucratic régime.

But there are other and further, though more general,

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reasons for believing that Russia is fit for constitutional and democratic institutions. Historians, modern geographers, sociologists and students of race psychology have all felt and expressed—though rather vaguely, it must be admitted—the truth that Russia has always been at heart a democracy. Here, for example, is what a Russian writer of note, M. J. Novikov, of Odessa, said in an essay on "The Russian People":

> Autocracy is relatively a recent fact in Russia. The ancient Russian populations lived under the rule of the clan. Then they passed under the government of the city. The political authority of a certain region was concentrated in a central town, which was usually fortified. The organization of the Russian city was republican. A popular assembly, whose conferences were rather tumultuous, gave a general approval to the measures which were proposed to it by a kind of senate. The Russian 'veche,' or assembly, recalls in many ways the primitive assemblies of the Roman people in the Forum. . . .
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> The Russian nobility had no traits which brought them out in a certain powerful relief from the other classes of society, and for these reasons the Russian people has become democratic, and upon this democratic sentiment the few attempts in the annals of Russian history to limit absolute power have foundered. [That is, the people have insisted on regarding the autocracy itself as democratic and popular in principle, and have been jealous and suspicious of the privileged element, the nobility.]

M. Novikov traces the origin and development of Russian autocracy to external and military needs or conditions. National defence necessitated concentration of power, and the monarchy rendered most important services in shaking off the Mongol yoke and extending Russia's boundaries. Now, however, Russia is safe, strong and secure in a military sense. The autocracy has become an incubus and anachronism, and the people must revert to their historical institutions.

Like Milyukov and other writers, M. Novikov speaks of "the democratic equality which pervades the intercourse between classes" in Russia. Manners are simple and cordial. Equals call each other by their given names; even in dealing with the "common people" caressing terms are used by dignitaries and officials. When off duty generals and inferior army officers dispense with stiff formali-

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ties and assume friendly relations. From whatever point of view the matter is considered, M. Novikov concludes, the supposed predispositions of the Russian to autocratic government and absolutism are found on analysis to be purely imaginary. The reverse is the truth—the Russian people are democratic at heart, and there is neither a strong aristocracy nor a powerful bourgeoisie or plutocratic class to obstruct successfully the establishment of genuinely democratic institutions.

Professor Milyukov, in the work already quoted from, avers that "the social structure, both in Russia and in the United States, is very democratic." He points out that "the boundary lines between the different classes" in Russia "are very indefinite, and the intercourse between the lower and upper classes is actually free." We are further assured by the same authority that the chief feature of the Russian character is "a complete absence of anything limiting, anything stiff and angular; that the Russian mind is wonderfully adaptable to new conditions and surroundings, and that neither hypocrisy nor arrogant self-assertion is characteristic of the typical Russian; who is addicted to rigorous self-criticism and self-analysis, and who, moreover, is intensely simple, 'all-human' (in Dostoievsky's phrase) and ready to respond to any appeal involving renunciation and sacrifice."

Such qualities as these furnish little encouragement to caste and class distinctions. Tyranny may be endured, but it is not defended or glossed over. No "national" philosophy is evolved to set up absolutism as a fetich, to provide a metaphysical and quasi-theological basis for arbitrary rule. In Russia even the academic and literary apostles of Theocracy always took pains to contrast the ideal with the real, to denounce the selfishness, ignorance and brutality of the powers that be. As Alexander Herzen said, "A thinking Russian is the most independent being in the world." Independent beings do not submit to despotism, and still less do they burn midnight oil to invent apologies for despotism.

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Everything that we know about Russia and the Russians thus leads to the conclusion that democracy is rooted in the native soil and that in the course of time Russia will take a worthy place in the sisterhood of the free and progressive democracies of the world. The future, then, may be regarded with hope and faith. Troubles and difficulties will come perhaps, and the transition may be not as easy, smooth, peaceful as we could hope for; but the restoration and lasting triumph of the autocracy and its instruments are virtually out of the question.

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IDEALS OF DEMOCRACY IN ENGLAND.

C. DELISLE BURNS.

THE meaning of the word democracy in modern times appears to indicate the recognition in custom or in law of the common qualities of all the men and women of a group. But this similarity or "equality" is vaguely conceived, for the word democracy now has two quite distinct meanings. A particular kind of political organisation may be called a democracy; and this is quite distinct from the social atmosphere which is also called democracy. Society may be democratic in its general feeling and yet may not be organised politically according to any principle of equality. But the two meanings of the word democracy are closely connected. We shall suppose here that a democratic atmosphere implies certain accepted ideals of life and character and that democratic political organisation is a method by which such ideals may be reached. Democracy exists where social action is based upon the fundamental common qualities of all men and women, although it does not involve the denial of differences in genius or character. The emphasis is put upon a common humanity, and this is not forgotten when, for special purposes, special ability is recognised. But democracy is nowhere achieved, since nearly all our inherited social structure is based upon the subordination of a common humanity to the differences within the group. Democracy therefore remains an unachieved ideal, and those who hope for or work for democracy aim in every country at emphasising the importance of the human being however foolish or incompetent.

Much of what is hoped for in England, by those who desire a freer and finer life than is at present possible, is not peculiar to England: for the attempt to secure for all social classes political equality or equality in the eyes of the law

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is common wherever any political advance is made. When therefore we attempt to analyse and to estimate the democratic ideals of England alone we do not imply any forgetfulness of the common democratic ideals in every land. We shall emphasise what seems to be characteristic of England, without neglecting what is shared by France and the United States: and we shall discuss the ideal of English democracy not as though it were a segregate desire for a purely national or party gain but with a view to the contribution England may make to the general advance of all human life. For an ideal is not a private possession of any group and no progressive ideal is aimed at the advantage of one group over another. We shall discuss within these limits, then, first the social ideals of democracy in England and, secondly, the political machinery which has been adopted for securing a recognition of "the rights of man."

What is it that England hopes for in social life? If one were to judge from the press and the talk of the drawing-rooms, the ideal of most Englishmen would seem to be either proximity to a titled non-entity or empty-headed acquiescence in what exists. If even one confined one's questioning to London, social ideals would seem to be meagre and commonplace. But fortunately London is not England: nor is the rest of England merely "provinces." The vigour of social idealism is in the Midlands and in the North of England; and an analysis of English tendencies towards democracy must be based upon experience and understanding of Manchester and Bradford and Newcastle. For in the first place the social ideals of Brighton or of three quarters of London are anti-democratic: or if they are called democratic, it is the democracy hoped for by officials. And if London were England there is little doubt that we should soon have established an absolute bureaucracy, dominating a subservient and even an admiring populace, with the assistance of an inconsequent and ignorant literary clique. The social atmosphere of the South of England is not in fact democratic and there is no general

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desire to make it so: but in the Midlands and in the North there is a different feeling in social life and such beginnings of democracy as are to be found there are generally valued. It is from such evidence, therefore, that we must judge the character and quality of the English ideal, omitting the abstract admirations of philosophers and the unmeaning generalities of journalism.

The basis of English democratic ideals is the admiration for persons who are doing something which is useful to someone else. This is an ideal of character: and it easily connects with the conceptions of life according to which any real work is of about equal importance with any other. To many the idealisation of work having social effects may seem dismal; and the idea of the workman being equal in any way to the manager may seem a mere perversity. But let us discuss objections to the ideal afterwards. We must first appreciate the power that such social ideals have upon those in whose hands is the future of England. For, whether gentlemen or not, those who are vacant of any purpose will have comparatively little effect upon succeeding generations: and the only vigourous feeling in England seems to be in the direction of democracy. The common man is not ashamed of his position and he increasingly expects to be treated as though his humanity were more important than his income or his relatives.

Democracy as a social atmosphere once meant a surly opposition to established privileges. But the early days of democracy are over: and for the better sort it now means a sharing of responsibility by all the members of society. This is the meaning it bears in the North and in the Midlands, not only among the few competent thinkers, but also with the hard-headed majority. What seems to be most resented is that any person or class should "get out of it" when there is a social difficulty to be overcome or a social task to be performed. There is no general feeling against differences of income, if every man does his part and pays his share. And even the plain-spoken sarcasms of the trade unionists against the very comfortable "duties"

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assumed by the rich do not imply jealousy of wealth so much as disdain for idleness; although it is clearly implied in a democratic atmosphere that great differences of wealth and well-being are obstacles to work for social ends, since the very rich do not feel their dependence upon their fellows and the very poor have neither time nor energy to work for anything but bare subsistence. In a democratic atmosphere the "social conscience" flourishes: and by that we mean the feeling of responsibility for human suffering and social confusion. For it is true that the social conscience is sometimes a sort of rich man's goad; and what are called the "better" classes have often been moved during the nineteenth century by pity for disease and poverty. But this form of social conscience is a condescension and it is never very effective. It breeds only a spare-time charity. The same feeling for poverty and disease takes root more securely in a society whose members feel their near relationship to the sufferers. For when a democracy is stirred by the sight of starving childhood and helpless age its action is not a spare-time hobby but part of its daily work.

In England at least a democratic society is imagined to be one in which there are none so rich as to be enforced idlers and none so poor as to be only workers. Thus, even apart from political action, a certain change is proceeding in the social habits of Englishmen, and although it sometimes takes a trivial form in rudeness of manner to anyone who seems "superior," it is quite definitely based upon the ideal principle that men and women are not and cannot be the mere recipients of "charity." To repudiate condescension is not to deny the value of benevolence; but in a democratic social atmosphere it becomes increasingly impossible to suppose that any men and women, however poor or uneducated, can be regarded as "interesting specimens" for the activities of the "charitable." The older structure of society, however, made the fortune and the happiness of the greater number depend upon the kindliness of a few; and although when the few are benevolent the result is

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good, it is now felt that social life cannot be securely based upon the hope of virtue in those who have all the power.

Such a statement is obviously too abstract to be recognised by the average democrat of the North and the Midlands as the real basis of his action and his habits of mind. For the English do not take kindly to general theories. In France a word like fraternity and an elaborate social theory to explain it are the points of departure for social action and in England also a theory is accepted when practice is changed: but in England the theory is not analysed or even generally accepted, although new and revolutionary social attitudes may be adopted. At its best, therefore, we may admit that the vague feeling of social equality and of "rights" as opposed to condescension point only to an ideal of freer intercourse and equal consideration between all English men and women. The first necessity in a purely democratic atmosphere is that work should be done, if poverty and disease are to be controlled; and it offends those whose aim is to produce a better future to see idleness or selfish cunning. This does not imply that anyone who is moved by a democratic ideal in England is so foolish as to imagine that all the poor are virtuous and all the leisured class are vicious. In spite of the occasional violences of a tub-thumper, we are living down the old doctrines of the class war. For it is a system, not persons, that must be opposed; and the purpose of democracy in the widest social sense is to create a new system, not to "convert sinners." The short speeches which one may hear at some meeting of railwaymen, for example, are not concerned with personal hatreds but with broader issues of policy and social custom. And the forward-looking few in England have with them a dumb majority who can see well enough that the age of privileged leisure must give place to the age of equal labour for the common good. There is still too much to be opposed in the conventions of society, the nepotism and favouritism of the ruling classes and the general waste of intelligence, for the ideal aimed at to be the centre of common interest and therefore that ideal is not clearly conceived.

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But it is easy to obtain a response from any group of those who aim at democracy if the Utopias are described in which what are now the privileges of leisure,—music, painting and the rest, are imagined to belong by right to those who work.

In the second place, democracy in England involves a sense of the equal value of work well done. This appears to the aristocratic as a mere barbarism among workingmen: for it is easy to show that a great thinker or administrator has more social value than a brick-layer. And yet the general tone, in Northern England at least, seems to imply some feeling of equality between workman and organiser. This, in its best meaning, indicates only the sense that no good work is dishonourable. It is to be understood by contrast, for instance, with the feeling of an aristocratic society that certain kinds of work are "beneath us." If we are to refer to ancient society, the Greek conception of the degradation involved in manual labour is the most clearly contrasted example of aristocratic social standards. In modern times the stigma attached to "trade" in an undemocratic society is the most common form of the same social ideal. But a democratic ideal implies that differences in the work done should not obscure the fundamental value of all work which is necessary. Thus, in its best meaning, the democratic feeling of the equal value of all good work does not imply the denial of a superior value to intelligence. The point is that so long as the work is honest and necessary it is equal with all other such work in being socially good, and that alone is the ground for the workman's confidence in himself. But those who have a democratic social ideal go somewhat beyond the present accepted status of labour and look to the general acceptance in social life of the value and importance of the supply of the simpler needs of society. Democratic England may yet achieve the redemption of the manhood and womanhood in the factory hand and the agricultural labourer; and this redemption must depend as much upon new social standards as upon political reform.

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The ideal implied in all this social feeling is in many ways peculiar to England. There is the same feeling for equality of work in the United States, and in France there is the same admiration for the man who does work with social effects. But in England, in the first place, the ideal does not involve a denial of social differences so long as these are not differences of rank. There is a feeling of the engineers and of the merchants and of the railwaymen. The type of work done by each remains always in evidence when several men meet together and no man remains just a man without being also either a railwayman or a carpenter. There is in England an inherited sense of the "craftsman" which may yet serve to revive a form of the old guild system.

Thus English democracy escapes that sense of monotonous uniformity which Emile Faguet, for example, finds so offensive in the French ideal. And although the opponent of democracy in France may exaggerate the tendency to monotony, in general it seems true that there remains more feeling in England than in France for individual differences within the common humanity.

In the third place, English democratic atmosphere has still a place for the "sporting instinct" which it has derived from the aristocratic atmosphere of England in earlier days. The working-man has his racing dogs: and he attends football matches assiduously. This may be counted as a weakness both by those who want him to "save" and by those who want him to shoot: but, for good or evil, English social ideals of the democratic kind never have repudiated the English delight in "sport." For our present purpose, "sport" indicates an important difference in the English conception of work for social good. English democratic ideals are more light-hearted and less solemn than the French. The admiration for a man who works does not imply any appreciation of a "dull dog" or a machine or even a solemn reformer. This makes the democrats of the European continent often regard the English democrat as not in earnest or as feather-brained or reckless.

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For the Continental democrat has not yet learned to laugh at the solemnities which surround any high-flown gospel; and a real strength comes to the English from the possibility of self-criticism which is implied in turning solemnities to laughter, and relieving labour with sport.

When Lord Granville was finding it difficult to be a peer and a Liberal, one of the sarcasms levelled against his party was that they were not sportsmen. And so important did Lord Granville think the charge that he offered to refute it by riding across country against any Tory peers. He rightly felt that votes might be lost in England even among the democracy if a party consisted of milksops or doctrinaires. There was, naturally, a touch of flunkeyism in the feeling of Liberals that what Tory peers could do was the sign of a gentleman: but there was also a sane prejudice in favour of the man whose ideas did not make him too solemn.

We may now turn to democracy in the purely political sense of the word. It is unnecessary to analyse its development, but clearly any judgment of present tendencies must depend upon the analysis of changes which have occurred within the last fifty years. From these we should best discover the aim of the majority of Englishmen. It is acknowledged that much remains to be done that all may share fairly in the benefits of political order and that all may have the opportunity for a free development of their abilities; but the ground has been broken and we have secured a political advance upon which we can depend. Not even the recent set-back to democratic tendencies can quite abolish what has been achieved since 1830.

But the ideals of political democracy in England seem to involve chiefly (1) the desire to modify the present representative system and (2) the desire to give freer access to land and the means of production. The representative system will have to be changed so that the representatives are not all of one social class, the rich. At present even when the representative is "democratic" in sentiment he

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is seldom one of the class he represents: and the reason is purely economic. Election expenses and the necessity of subscribing to clubs and charities make it practically impossible for anyone to have direct political power who is not wealthy. Practically the Labour Party cannot contest an election except in constituencies in which there is a likelihood that they will be successful. And even where expenses are paid by a party, the representative is so dependent on this source of income that he is cut off by it from his constituents and his own ideas. There is no reason why the state should not guarantee election expenses, and forbid too large an expenditure. For the ideal of political democracy must clearly involve some reform by which political ability may be given its due place without the assistance either of private wealth or party funds.

Free access to the land is another aim of English political democracy. We are still too much hedged about by mediævalism, and the new financial sources of wealth only serve to fasten more securely the power of land-ownership upon the homes of common men. Again, no one supposes that landowners are necessarily villains. It is the system which is at fault: and however admirable it may have been—if it ever was—in earlier days, it is a mere obstacle to freedom and bodily health in these days of vast city regions. A few months before the war, therefore, the democratic movement in England was concentrating attention upon the land problem: and after the war the problem will be with us again. The political ideal at work is not the mere substitution of small owners for large owners, but the recognition by the state that land should not be a form of private property, any more than are water or air.

We put these reforms in the first place because they are the most striking of those implied in the new ideals of democracy in England. But the English conception of political democracy is very well seen in some older and already accepted practices. The increase of local government and of local responsibility has been almost peculiar to England during the last fifty years: for in spite of the great

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development of municipal control in Germany and the enthusiasm for "regionalism" in France, England seems to have produced a certain political independence of localities which may be very important in the future for the general problem of devolution or decentralisation in large states. Local political vitality seems to be essential for any real democracy in the vast states of modern times; and this has been felt most of all in the United States, but in the second place most clearly in England. The Municipal Corporations Act of 1835 began the acknowledged policy, and there are now about one hundred and fifty complete municipalities. On such local bodies depend the management of some supplies, the regulation of part of the system of education, and the control of poverty and disease. Even the much-abused Tribunal system under the recent Military Service Acts is a sign of the English attempt to administer by reference to local needs and, where possible, through local residents. And we may contrast this tendency with the other political system in which as much administration as possible is done by officials sent down from the centre of state-government. For although there is a certain proportion of centralised administration in England it is less than in almost every country but the United States. And in England pre-eminently local interests are definitely political; so that often the details of municipal policy provide the material for training those who eventually deal with the political organisation of the whole state.

Secondly, political democracy in England is expressed in the many Acts for the regulation of the conditions of labour and the support of those social or economic classes which are normally the sufferers in the present world. Since the Factory Acts of the early nineteenth century, the power of the state has been more and more used to control the base greed of gain which is called the economic "law" of competition. The regulations as to the labour of women and children, as to the responsibility of employers and as to insurance, are all sufficiently known, and they all point in

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one direction. They are all in the interests of one social class, if we must speak in the crude language of "interests." But they are obviously not instances of benevolence, for they are in fact the expression of a growing understanding of the nature and purpose of political government. To what do they point?

Rousseau said long ago that political government was aimed at correcting the crude differences of "natural" inequality in health or strength or parentage or external circumstances in order that the more important and valuable differences of character and intelligence might have free play in society. Government was not to make all men similar, but to correct such dissimilarities as are important only to beasts. By the state man rose to manhood: and the state should therefore not confirm but correct the social and economic structure into which we have been born. This theory was a generous prevision of a possible state-system, but neither then nor now is it a description of any actual state. The same theory lives on as a vaguely conceived ideal in the English efforts at industrial legislation; and we are clearly aiming at the democratic end of securing for every man and woman as much human life as is possible without subverting the whole of our inherited methods of government.

Finally, the trade union movement in England shows the characteristic ideals of democratic England, in their strength and in their weakness. For English trade unionism as a political force has all the strength of self-confidence. Its members are not inclined any longer to be afraid of their own power and although the majority may be uncertain in what direction that power should be used, the attitude of trade unionism is no longer apologetic or timorous. That shows the better side of the English aspirations towards democracy. But trade unionism, like English democracy in general, is deficient first in its incurable separatism and secondly in its lack of appreciation for intelligence and intellectual qualities. The unions are not really at one in any great principle of social policy and

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in their struggle with capital they do not often join hands. On the other hand the unions have not adopted any policy nor even shown any interest in the larger issues of education. Their members generally are suspicious of any outstanding ability and they have not yet learnt to value the intelligence, which they might use, of those who do not work with their hands. By contrast to the German tendency, in which leadership plays so large a part, the English movement lacks outstanding characters in control of great masses: but in this English trade unionism seems to be more deliberately democratic. It seems to be felt in England that the mind and will of the common man should not be entirely obscured by a predominant personality; and what the English lack in leadership they gain in local and personal variety and initiative.

There remains in every form of the English democratic ideal one corroding deficiency. Its exponents are generally hostile to or suspicious of intelligence: and this attitude they share with many of those who in England oppose democracy. But whereas an obsolete and inherited ideal of personal government or oligarchical privilege is not injured by repudiating intelligence, democracy cannot survive without the continuous and widespread admiration for the critical intellect. For if one's ideal is simply to do what has always been done, one's best support is a vague emotion for the "good old times"; but if the structure of society and political organisation are to be reformed, a careful and laborious criticism is the only security against relapses into sentimentalism. Neither French nor German democratic ideals suffer so much as the English from the lack of attention to reasoning. Their weaknesses are very different. But in England the chief reason why democracy stumbles in its progress and has so often to repudiate its own first efforts is that critical intelligence is undervalued. The critics of reasoning are numerous enough and the weakness of abstract calculation is obvious enough. That the anti-intellectual sentimentalists are gaining power even among the democrats of England, however, only

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shows how complete is the absence of any appreciation for the true meaning and value of the work of the intellect. English democracy is muddleheaded in its attitude towards education or free religious practice. It has no clear perception of the necessity of a new educational system and no understanding of religious enthusiasm which cannot be classed under one of the hydra-heads of nonconformity. It is still obscurantist in almost every sphere of thought but the economic and political. It regards art as an aristocratic frivolity and science as a source of income. And, therefore, in moments of crisis it gives itself over, bound hand and foot by sentimentalism, to the ancient and obsolete orthodoxies even in the spheres of politics and economics.

A second and less general weakness of the English democratic ideal is its concentration upon local issues. There is no democratic view in England of the relation of states or even of the administration of the British Empire: for an oligarchic or gladiatorial view does not become democratic simply because it is held by those who in other issues are democrats, just as obsolete metaphysics does not become modern knowledge simply because it is advocated by a biologist. There is no democratic programme implied in mere opposition to older programmes: and a mere lack of interest in imperial or foreign policy leaves the democratic movement in England the simple-minded slave of diplomatists and pro-consuls. These two classes of our officials intend well in their ingenious devices for complicating the problems which they are supposed to solve and, one must confess, they are probably more useful than absent-minded democrats would be who have no understanding at all of world-politics. But there is no reason why a clear-cut and original conception of imperial or foreign policy should not be elaborated upon democratic principles. And until there is such a conception we shall wait in vain for the security upon which all domestic reforms must depend.

English democracy has survived even greater deficiencies than those we have mentioned. It is already beginning to

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reform itself; and perhaps when its exponents are able to distinguish the use of reasoning from the lawyer's habit of arguing, it will rise to greater heights. For the criticism which we have made is not subversive of the inner enthusiasm which is the life of the English ideal. That remains untouched and strong. It has behind it already some experience, and democratic labours have already achieved much in England. But the whole movement is young and there is every hope that the ideal may be purified from anti-intellectualism. For the faith in the value and dignity of the common man is a faith in reason and not in emotion or impulse. It is by his reason that the most foolish or the most incompetent makes of human society something more than a herd of beasts. And ultimately we must come to the humanising of social life and political organisation by giving free play to the nobler elements in every man, woman and child. Such freedom is not anarchy, nor even the repudiation of the organisation we have inherited, but it is the possibility of greater life than has so far been achieved by men; and to realise this we may still count upon the vigorous enthusiasm of English democracy.

C. DELISLE BURNS.

LONDON, ENGLAND.

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CIVIC AND MORAL EDUCATION.[1]

J. S. MACKENZIE.

ALMOST my only qualification to address an educational society is to be found in my connection with the Civic and Moral Educational League; and it is chiefly as a representative of that League that I now venture to speak. At the same time, I should wish it to be clearly understood that I express only my own individual view of the aims and work of the League; and that it is not to be held responsible for anything that I may say.

The general aim of the League is very simple and obvious. It is to emphasize the importance of good citizenship as the fundamental object that education should seek to promote; and to try to secure that this object is pursued in a systematic and efficient way. That it must be pursued in some way, would, I suppose, be admitted by every one. The question can only be with regard to the degree of importance that is to be given to it, the exact way in which it is to be interpreted, and the best methods by which it can be attained. At the present moment, its importance is probably less likely to be questioned in this country than it might have been some years ago. The great war has brought home to most of us the supreme need of the spirit of civic devotion; and it can hardly be supposed that that spirit can be fully developed without some form of education, direct or indirect, systematic or casual, formal or incidental.

It may be well, at the outset, to remove a serious misconception that is sometimes formed on this subject. It is apt to be thought that the concentration of attention on the development of individual character and the cultivation of the civic spirit is somewhat opposed to the more purely intellectual aims of education. I believe there is extremely

[1] A Lecture delivered at the University of Sheffield.

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little foundation for such a view. There are few things that are more calculated to stimulate reflection than the study of moral and social problems. Most other subjects are more or less external to us. They have to be accepted, to some extent, on trust. We have to rely upon the authority of those who have made a personal investigation of them; and they offer comparatively little scope for independent thought. Indeed I am afraid that some of the recent efforts to make things easy for the young, have tended to reduce thought to a minimum—*e.g.* in the study of geometry. It is found to be difficult to think accurately about things that are rather remote from our more immediate interests; and, in trying to simplify them, we are liable to make our thought inexact or superficial. With moral and civic questions, however, we are very immediately at home. They appeal directly to our hearts and consciences, and we can form our own judgments upon them. Hence, as Kant remarked, even unreflective people often become surprisingly acute in their moral judgments. The history of intellectual development bears out this contention. The most remarkable period of intellectual progress in ancient Greece, perhaps the most remarkable in the history of the world—that which is chiefly represented by the names of Socrates, Plato and Aristotle—owed its inspiration very largely to the effort to cultivate the spirit of good citizenship, and to study its conditions. What moral education is opposed to, is not the development of intellectual interests, but rather the treatment of education as merely an instrument for getting on in the world, of developing a sense of class superiority, or of amassing a body of undigested knowledge.

In connection with what I have just been saying, however, it may be of some interest to notice some recent changes in the work of the League which seem to me to have a good deal of significance. They are shown, to some extent, in the alterations that have been made in its title. It began as the Moral Instruction League; then it became the Moral Education League; and now it is the Civic and Moral Education League. I do not wish to exaggerate the

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importance of these transformations. Its general objects remain substantially what they were from the outset. But I think the changes in the title do imply some difference of outlook—a difference which corresponds, to some extent, to that which was brought about in the course of the development of early Greek thought on the subject. Moral instruction suggests an attitude somewhat like that which was adopted by the body of teachers who were known in Greece as the Sophists. Protagoras, their leader, professed to give instruction to young men in the art of citizenship. Plato, in the dialogue called by his name, represents a young man as going to Protagoras to find out what he might hope to learn from his instructions; and Protagoras is represented as answering: "Young man, if you associate with me, on the very first day you will return home a better man than you came, and better on the second day than on the first, and better every day than you were the day before." Socrates is then represented as asking Protagoras whether he means to say that he instructs young men in the art of good citizenship; and Protagoras answers that this is indeed what he professes. Socrates then expresses some doubts as to whether the art of citizenship can be taught, in the same sense in which the art of ship-building or shoemaking may. Socrates himself did not, it would seem, profess to teach men or to instruct them in anything, but only to lead them to reflect and find out what is right for themselves. In so doing, he appealed to the individual mind and conscience; and I believe that, in changing its title from Moral Instruction to Moral Education, the League meant to indicate that it agreed rather with Socrates than with Protagoras in this respect. The chief objection to mere instruction is that it may, so to speak, only touch the surface of the mind. In all education, and most of all in moral education, it is essential that what is learned should sink into the depths of our being, and become a living and active part of ourselves. If it does not spring from our own immediate consciousness, it must at least get in, so as to become a second nature—almost like an instinct. It seems

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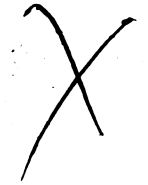
to have been largely on this account that the sophistical conception of instruction was unsatisfactory. Indeed, one does not become even a good artist by instruction, but largely by acquiring insight through practice. But now when we pass from Socrates to Plato and Aristotle, we seem to find a further change in the conception of education that is set before us—a change which, to some extent, brings us back to Protagoras, and reintroduces the element of instruction, though in a different form. In Plato's *Republic*, in particular, which has probably done more than any other writing to stimulate reflection on the fundamental aims of education, we find the emphasis laid, not on the individual consciousness, but rather on the study of the civic unity within which the life of the individual has to be carried on; and this aspect of education was even more definitely emphasized by Aristotle. The transition from Moral Education to Civic and Moral Education may be taken to imply a somewhat similar advance. At the present time, the activities of the League are largely directed to the work of bringing out the importance of cultivating a right appreciation of the claims that are made upon us by the society in which we live.

Now, it may be thought by some that, if the League has thus been passing through phases that correspond, more or less, to those that are represented in ancient Greek speculations, it cannot be dealing very directly with the problems that are at present most urgent. But this would be a great mistake. Every generation that tries to deal seriously with the problems of life—whether with reference to education, to the structure and activities of the state, to religion, or to any other of our deepest concerns—finds itself faced with the same difficulties as those with which other generations had to deal. We have the same human nature as those who lived before us, though we have new faces and new clothes. But, in order to indicate more definitely how the work of the League bears upon the most pressing problems of the present, it may be well at this point to notice another objection that might be made to its ac-



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tivities. It might be said that, in urging the importance of the development of character and of the civic spirit, it is, so far as our own country is concerned, preaching to those who are already converted. For it is sometimes stated, and not without some show of reason, that the characteristic feature of British education, as distinguished especially from that given in Germany, is its emphasis on the formation of character, rather than on the acquisition of knowledge. We have often taken credit to ourselves for this; and, to a considerable extent, the credit has been allowed by observers in other countries, and notably in Germany itself. Even General von Bernhardi, who is at present regarded as very specially the enemy of our country, has contrasted German education unfavourably with our own in this particular respect. Is it really necessary then, it may be asked, to press this aspect of education at the present time? Should we not rather devote our energies to the promotion of technical instruction, in which we are confessedly deficient? To this I might answer, in old words that have not altogether lost their force, let us "seek first the kingdom of God and his righteousness," and other things will be added. If we have neglected technical instruction, it is probably due, to a considerable extent, to an inadequate sense of our civic obligations. In order to bring this out, it may be well to inquire in what sense it is true, and in what sense it is not true, that education in this country has been aiming at the cultivation of the civic spirit.

When it is said that education in this country has tended to lay emphasis on the development of character and the cultivation of the civic spirit, it would seem that the kind of education that is specially in view is that which is given in the great public schools and in the older universities, especially Oxford. It is at least true that that education has been predominantly humanistic, rather than scientific—if such an antithesis may be allowed; and, under the influence of such teachers as Arnold of Rugby or Jowett and Green at Oxford, it is certainly the case that a good deal of emphasis has been laid on character and the civic spirit; and it is no

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doubt true also that these influences have penetrated, to a certain extent, into some other modes of education in this country. Much of what has been done in this way has no doubt been quite admirable; but representatives of the Civic and Moral Education League would urge that it has been too limited in its scope and not sufficiently systematic. Its defect, in general, would seem to lie in the fact that it has set out with a particular class of the community in mind, and that it has hardly been able to free itself from the limitations that have been thus introduced. Broadly speaking, its aim has been the development of a cultivated "gentleman." Now, the qualities that are suggested by this term, fine though they are, are not all those that are of high importance in human life. Among the qualities, for instance, that it does not suggest are clearness of thought, breadth of interest, definiteness of aim, strenuousness of purpose, thoroughness in work. It might be profitable to contrast, in this respect, the British conception of Culture with what the Germans call Kultur—a term that has perhaps been somewhat too much ridiculed.

The difference between the connotations of the two terms may be compared with the difference between Horticulture and Agriculture. We tend to speak of a "fine flower of culture." We think of it as what distinguishes the select man from the ordinary man. Kultur, on the other hand, means rather a standard of life that belongs to a whole people. Culture was explained by Matthew Arnold (adopting a phrase of Swift's) as meaning essentially "sweetness and light." It may be doubted whether the qualities that are thus expressed have been conspicuously cultivated in this country. I should think that what have chiefly been cultivated are self-reliance, the sense of honour, loyalty to one's class or party or set, and a certain light-hearted fortitude. These qualities give to the English gentleman, as Goethe noted, a kind of completeness. Often, Goethe said, he is only a "complete fool"; but even that is something. The German, on the other hand, learns chiefly industry, thoroughness, devotion to his special work—qualities that do

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not specially belong to any one class. His work may be pernicious; he may be thoroughly wrong, or thorough only in his frightfulness; but it is his characteristic that he is always striving and industrious—"immer strebend sich bemüht." It must be confessed that the qualities he tends to develop cannot very well be compared to those of a flower. It is said to have been recently remarked by a German, that "the English will always be fools, and the Germans will never be gentlemen." I should hope that there is no law of nature that makes either of these statements eternally true. But what is wanted, I think, is to try to combine the special characteristics of the Germans with those that are more peculiarly British, and perhaps to add to them both a little more of what Arnold meant by "sweetness and light."

One of the chief points of interest, for our present purpose, in noticing these different types of education, is that they represent different conceptions of what it is most important to aim at in the development of human life; and that, to a very considerable extent, they succeed in achieving what they aim at. We are thus led to recognize at least that the attempt to realize a moral ideal by means of education is not wholly futile; and we are thus encouraged to ask whether it would not be possible to achieve something better in this respect than has yet been accomplished. It might, no doubt, be rash to conclude that educational efforts in the school alone would suffice to bring about what is desired; for such national ideals as we have been noticing are supported, to a large extent, by home influences and social traditions. Until these are established, the efforts of the school to cultivate moral qualities are necessarily an uphill fight; and one can hardly expect that their results will be immediately apparent. But this only makes it the more important that the effort should be made as soon as possible; so that traditions may gradually become established for future generations. In the meantime, the differences of traditions and surroundings no doubt involve that different methods will have to be adopted in different types of

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school; so that the laying down of any uniform and rigid programmes would be unwise. Still, the general aim at least ought to have a real unity.

It may be worth while to indicate at this point a little more definitely what appear to be some of the chief defects in the kind of moral cultivation with which we are more or less familiar as the fruit of our public school methods. My knowledge of them is not very great, and is in the main secondhand; but they have often been discussed, and perhaps we may assume that we understand them sufficiently well for our present purpose. Most of us would recognize, for instance, that a certain spirit of loyalty is cultivated in these schools; but it can hardly be maintained that it is, in general, the spirit of loyalty to everything that is true and beautiful and good. Too often it is rather the spirit of loyalty to class or party and to certain conventions or traditions that are associated with these. No doubt it may be necessary to begin with limited forms of loyalty; but at least they ought to open up readily into those that are more comprehensive. Again, I suppose it is on the whole the case that truthfulness is cultivated; but it seldom means the habit of speaking "the truth, the whole truth, and nothing but the truth." To aim at this implies truth-seeking, as well as truth-speaking; and truth-seeking implies some cultivation of the spirit of scientific research. But it appears to be still, in general, true that science is despised in the schools to which I am referring, and philosophy ignored. Even in the older universities some traces of this neglect were at least apparent in quite recent times. It was the fashion to refer to science by the not very flattering name of "stinks"; and in Cambridge philosophy was sometimes described as "moral stinks." The epithets may have been partly jocular, and I do not deny that there is some point in the joke. A good deal of physical science, and even some moral science, is concerned with things that are pestilent and poisonous. I am not sure that I should like to see "Wissenschaft," even in the very wide sense in which that term is used in Germany, placed on quite as high a pedestal

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as it occupies there. It was Mephistopheles who spoke of "Verstand und Wissenschaft" as the highest of human powers. I think the æsthetic and moral powers are of quite an equal rank. Yet the pursuit of truth is an element in goodness; and this has been too much neglected. Probably English people are not altogether wrong in being somewhat sceptical about formulas, and in valuing the kind of insight that can be got by intuition, common sense, and practical experience, as well as that which is gained by scientific analysis; but I am pretty sure that we tend to under-rate the importance of the latter; and this is, to some extent, a moral defect—it makes us careless and amateurish, where we ought to be exact. Again, I suppose every one would allow that certain ideals of honour and justice are cultivated in the schools to which I am referring—especially the kind of fairness that is expressed by the phrase "playing the game." Such a phrase may no doubt be used to express the finest conceptions of fairness and chivalry; but it betrays its origin in a comparatively idle class, and it is to be feared that it is apt to retain some of the limitations of its origin. There may sometimes be a need for Browning's reminder that the work of life is not "mere fool's play, make-believe and mumming." A similar limitation may perhaps be observed in the emphasis that is laid on cleanliness, which is apt to refer too exclusively—though not, I think, entirely—to the outside of the cup and platter. Courage, again, is undoubtedly cultivated, but chiefly in the form of physical fortitude. The kind of courage that enables a man to stand singly "uttering odious truth" is probably not very highly developed. I note these limitations with some diffidence;[2] but I doubt at least whether we can altogether afford to ignore the fact that, with all our emphasis on moral qualities, our country has been commonly known on the Continent as "perfidious Albion," and that we are generally believed to be characterized by hypocrisy and pharisaical conventions. Such accusations

[2]Mr. Chesterton's Essay on "The Case for the Public Schools" in *What's Wrong with the World?* is worth referring to in this connection.

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may be based—I think they are—to a very large extent on misunderstanding; our reserve and lack of foresight[3] are apt to be interpreted as malicious concealment; but it is to be feared that there is some degree of truth in them. A good deal of our talk about character and moral principle is apt to be little better than cant. We are perhaps more liable than most people to say things that we only half mean. We have, in general, neither the logical clearness of the French nor the downright and somewhat brutal thoroughness of the Germans. It is at least important to urge that, whatever moral qualities are cultivated, we should see to it that they are cultivated in reality, and not merely in appearance; that they affect the heart and conscience, and not only the more superficial forms of behaviour.

So far I have been referring to the kind of moral cultivation that is specially characteristic of our public schools, and of other institutions that are concerned with those who have leisure for somewhat prolonged methods of cultivation. But it is pretty obvious that it is even more important that the cultivation of those who have comparatively little leisure should be adequately attended to. No doubt the qualities that are acquired by those in higher station have some tendency to penetrate into other classes as well; but what is learned only by imitation is apt to be somewhat superficial. Recently some notable attempts have been made to develop character and the civic spirit in classes widely removed from those that attend the public schools. It is enough to refer to the most admirable work that has been done by General Baden Powell and to such experimental schools as the Little Commonwealth, in which truly astonishing results have been achieved. Our League regards all such efforts with the utmost sympathy, and has done its best to make them widely known and appreciated. It believes, however, that a great deal more is still called for, chiefly perhaps in the way of securing a more adequate

[3]Not *lack of imagination*, as commonly said. Our imaginative literature seems to refute that. But, as a whole, we appear to be a nation of adventurers, living from hand to mouth.

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preparation of teachers for this kind of work; but also in enlisting the co-operation of parents, in extending the scope of this aspect of education, and in discovering fresh methods of carrying it on. To consider in detail what is wanted in any of these respects, would carry me beyond the limits of such a lecture as this, and would open up problems with which I am not specially qualified to deal. It will probably be best to content myself with a few general observations on what it is more particularly sought to cultivate.

It is pretty obvious that the fundamental aim of all education is essentially civic. Education might almost be defined as the process by which the individual is initiated into the life of his community. Most animals do not need any such initiation. Their instincts guide them sufficiently almost from the outset. But the human animal is not born a citizen. As it has been said, he has to be "born again"—and often, in Mrs. Poyser's phrase, "born different"—in order to become a member of his society. He has to learn its language, to become acquainted with some of its chief institutions, and to imbibe what he can of its general spirit. In order to do this effectively, he has even to study something of its history, and to appreciate its relations to older forms of civilization. It would be well perhaps if the significance of education, as such a process of initiation, were more clearly realised, and were more constantly present to the minds of those who are concerned with the education of the young. Such general initiation is evidently the necessary presupposition of all that follows; and it is supremely important that this foundation should be well and truly laid.

But an individual is not merely to be initiated into the general life of his community; he is also to be prepared for the performance of some specific work in it, by which he may contribute something to its continuance and advancement; and often this calls for a highly specialised training. This is one of the respects in which it is generally recognised that education in this country has been most markedly defective; and it can hardly be doubted that a greatly increased emphasis will be laid upon it in the future. The

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work of the world has become too complex to be carried on successfully by amateurs. It needs a fully trained intelligence, now, to fit oneself for one's special work, for what has been described as "our Station and its Duties," may rightly be said to be an essential part of moral education, one might almost say even of religious education. Carlyle's favourite dictum, *Laborare est orare*, has at least an element of truth. It is true, however, only when the work is undertaken, as all work ought to be, in the spirit of social service; and there is always some danger that this may not be adequately recognised in the carrying out of technical instruction. In fitting ourselves for our special work, it is important that we should realize its place in the service of mankind. Unhappily, some kinds of work have but little value from this point of view; and one can only hope that they will sink as rapidly as possible into the background. When Falstaff says "It is no harm for a man to labour in his vocation," one is reminded that some vocations are little better than his—that of stealing. But most forms of work have some social value, and this should be kept prominently in view. It is unfortunate when any one has to regard the work in which he is engaged, not as a vocation, but only as an avocation, a parergon, to be taken up lightly and lightly dropped. Too many people in this country treat play as their serious vocation, and work as only an unfortunate interlude. If the social importance of the work on which we are engaged were adequately realised, this would not be the case. Hence I believe it is of considerable importance that instruction of a purely technical kind should not be begun too soon, and should, throughout its course, be combined with studies of a more humanistic kind; so that the place of any particular kind of work in the general life of the community may be duly realised.

And indeed, even at its best, the Gospel of Work has its limitations. Those who preach "the dignity of labour" are not always the most sincere friends of the man who labours. Life is not for the sake of work, but work for the sake of life. It is quite possible to be too much absorbed

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in our work; though probably in this country there is less danger of that than in some others. We are all citizens of the universe, as well as of our particular states and districts. The interests of a human being cannot be confined to his own special task. He has his soul to cultivate and his friends to help; and, in spite of Carlyle and Nietzsche, it is not undesirable that he should be happy, so far as, in this somewhat chaotic world, he can be. He has to interest himself also in the maintenance and advancement of the general life of his community and even of the world. It is the chief business of all of us—and here at least we have Carlyle with us—to try to make our world, or some small spot in it, less chaotic and more human. The cultivation of these wider interests must no doubt be carried on, to a large extent, at a later stage than that of the school. I need hardly call attention to the important place that is filled by the Workers' Educational Association in the development of these wider interests. But the work of the school should be of such a kind as readily to awaken such interests, and prepare the way for their development. What our League seeks to emphasize is that all these forms of education should be regarded as being essentially modes in which the civic and moral spirit is undergoing cultivation.

It is of course not only in this country that the development of this conception of education is being furthered; though, in addressing an English audience, I have naturally referred chiefly to the conditions and the movements that are to be noted here. The impulse in this direction has come largely from America. I may refer, for instance, to the admirable work that has been done by Professor Dewey. The civic conception of education has also been much emphasized in France and in Japan; and it is making considerable headway in India and elsewhere; and movements that are at least somewhat akin to it have come from Italy. In Germany, I suppose most of us believe that the conception of state-obligation has been pressed in too narrow a spirit; but probably we have still something to learn even from that. It is of the very essence of this conception that it is

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cosmopolitan in its character. It breaks through the barriers of race, language, nationality and creed; and helps to prepare the way for some genuine federation of the world. It is concerned with what is fundamentally human.

Indeed, even within the limits of our own island, there are many aspects of the subject, besides those to which I have alluded, that might be profitably considered. I might refer, for instance, to my own country. It has been the fashion of late to hold up Scotland as a model for the south in questions relating to education; and, in some respects, this is right enough. It is true, I think, that there has been a more widespread interest in education there than here. But the actual merits of the education that is given in Scotland are, I think, sometimes exaggerated. The interest in education in Scotland is largely traceable to the work and influence of John Knox; and, so far as I can judge, the most important element that he contributed to it was a deep sense of moral obligation. This was connected with a particular type of religious conviction, which has of course subsequently undergone great modifications; but it has left behind it a serious—though not always a very enlightened—view of the purposes of life, which has been of very great value. The Catechism, little as it may appeal to modern thought, did much to stimulate reflection on the deeper problems of life. Something similar, I think, and in some ways better, is to be found south of the border in the Society of Friends and, in some other countries, in the educational work of the Moravians. But there is apt to be some narrowness of outlook in all these cases, owing to the fact that the moral ideas are not brought sufficiently into relation with the larger problems of life. I am not now attempting to deal with the way in which civic and moral education is related to teaching of a definitely religious kind. In a wide sense of the word, it necessarily is religious in its character; but I think it is apparent, from the different types of it to which I have referred, that it need not be associated with any particular creeds. The greater part of our civic and moral obligations is clear enough, whatever view we may

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take with regard to the very difficult problems about the structure of the universe and our place in it. Most people now recognise that these problems cannot be solved by any simple formulas. But what we mean by the ultimate value —Truth, Beauty and Goodness—is independent of creeds. This leads me, however, to notice a kind of objection that is sometimes raised to the attempt to give civic and moral education in schools.

It is sometimes asked, whether we are urging that sociology and ethics should be treated as school subjects. Such subjects, it is said, are found to present considerable difficulties even in the universities; and even the greatest experts are still perplexed by some of the difficulties that they involve. Such a criticism cannot, I think, be taken very seriously. The science of language is by no means an easy one; yet children can be taught to speak. They can also be taught some arithmetic and some of the elements of mathematics, and find these subjects of considerable value; though they could hardly venture upon the theory of numbers, the integral calculus, or the *Principia Mathematica* of Messrs. Russell and Whitehead. Even the science of mechanics is not altogether easy; yet a good many young people, often not otherwise of a very studious type, contrive to get some insight into the working of a motor bicycle, and sometimes have their intellectual interests considerably awakened in the process. Some knowledge about duty and about the aims of social life is not more difficult than these others to acquire, is not less interesting or intellectually stimulating, and can be as readily applied in practice. Indeed, the difficulty that is found in the study of sociology and ethics in later life is partly due to the fact that the simpler aspects of them have not been made familiar at an earlier stage. If people have grown up with the impression that their civic and moral obligations are mainly matters of convention and taboo, it is naturally difficult for them at a later stage to take up their study in a systematic and reflective way; just as the higher parts of mathematics are difficult for those who have acquired the elements by rote.

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Even Plato, who seems to have thought that it was dangerous to introduce any scientific study of moral problems until people had reached the age of thirty, yet advocated a very thorough method of communicating moral ideas from an early age. I believe, however, that the distinction which he thus sought to make between a reflective and an unreflective morality is one that cannot be sharply drawn; especially in times like ours, in which social and moral problems are freely discussed in books that are readily accessible to every one. And the dangers that he apprehended, especially the weakening of moral ideas by reflective criticism, are chiefly to be feared only when the earlier conceptions of social and moral obligation have been of a thoroughly conventional and unreflective type. Hence I think it is important that even the earliest treatment of such subjects should contain some appeal to the intelligence; and that there should be no real break between the formation of habits and the growth of reflection. Even young children are, in general, anxious to know the *why* of any action that is adopted and this wish should, as far as possible, be gratified. "Let youth but know," as Mr. Archer has so well insisted. Most people of my generation were kept a good deal in the dark, or fed on creeds outworn; and we naturally feel anxious that those of the generation that is now rising should be freed from such repressive influences, and enabled to see and think for themselves. They will thus be saved from much waste of effort and from much misery and much danger in their later life. There should be no "supposititious parents," as Plato called the well-meant fictions by which the young are so often deceived. It is largely such fictions that make subsequent reflection difficult, and sometimes pernicious. I cannot for a moment believe that young people will be made less patriotic by being told, quite truthfully, how their country has helped them in the past, and does still help them; that they will become less respectful to their parents by learning, quite accurately, what they owe to them; that boys and girls will become less careful in their relations to one another by hav-

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ing explained to them the quite real dangers into which they are liable to fall; that they will have less admiration for heroism when they know exactly what some heroes have done and suffered; that they will be less sincere lovers of peace by realizing the actual miseries that are brought about by war; or that they will be less temperate when they see clearly the degradations of intemperance. And similar remarks might be made about all the virtues. It is not the truth that we have to fear, but rather the false glamour of romance, and the thoughtless following of foolish customs.

All depends, of course, on the adaptation of the teaching to the age and capacity of the learner. Hence I believe that the most important thing to aim at, in the first instance, is the training of teachers for the proper treatment of such subjects. It is very necessary that some teachers at least should specially qualify themselves for this particular kind of work. It is gratifying to notice that a good many institutions are beginning to move in the direction of providing courses of training for those who seek to fit themselves for various forms of what is called "social work." It can hardly be doubted that there will be an increasing demand for such training, and that it will lead to a greater degree of attention being given to ethical and social problems. Much of the work that has so far been undertaken in the way of cultivating the moral consciousness in a more intelligent fashion has been undertaken with special reference to the treatment of young people who are in some respects defective or undeveloped, or who have suffered from inauspicious social surroundings; but what is learned in dealing with these can often be advantageously applied, with some modifications, to those who are more happily circumstanced.

At any rate, I am convinced that those who are at present struggling for a more adequate recognition of the civic and moral aspects of education are not entering upon a forlorn hope. There probably never was a time that was more ripe than the present for a great advance in all forms of educational work, and especially in those that are directed to an

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increase in the general efficiency of the citizen. It seems to be true that a period of comparative peace and prosperity has produced a considerable degree of torpor in our general life; and it is certainly discouraging to find, even in this time of national stress, that educational activities are, in many directions, checked and weakened in a very light-hearted fashion. But there are good grounds for believing that the process of awakening has begun; though perhaps it has shown itself so far more conspicuously with reference to problems that are industrial, technical and material than to those that are more ethical and spiritual; and though, like some other awakenings, it seems sometimes to be characterised rather by yawning and rubbing the eyes than by vigorous action. I certainly do not believe—I suppose none of us believes—that the revival of the best features of our national life, and the raising of them to a higher power, is hopeless. "Still in our ashes live their wonted fires." We may remind ourselves of the words of Milton, at a somewhat similar crisis in our national life, when he had a vision of his country as an eagle "mewing its mighty youth," or when he spoke of it as "a noble and puissant nation, rousing herself like a strong man after sleep, and shaking her invincible locks." One can but trust that, when she wakes, she will not be in the humour to be put off with any feeble tinkering of the educational system, but will insist on reforms of a thorough and complete character. If so, it can surely not be doubted that one of the reforms will consist in the adoption of more strenuous methods for the cultivation of the civic and moral spirit—a spirit which should neither be that of what Nietzsche called "slave-morality," nor yet that of what he called "master-morality," but rather that of the morality of free citizens, who realise that they are co-operating with their brothers and sisters all over the world for the promotion and maintenance of all things that are true and beautiful; not the spirit of the "Will to Power," but that of the Will to Good. It is for us, at any rate, to do what we can to insure that it is this spirit that is cultivated.

J. S. MACKENZIE.

LONDON.

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SOME PROBLEMS OF SEX.[1]

F. W. STELLA BROWNE.

MANY otherwise open-minded and progressive persons believe that any discussion of the basic emotion of life is to be deprecated. But the League of Peace and Freedom explicitly holds that "conventional institutions and opinions must be examined and discussed"; and I believe that the protest in Mr. John Russell's illuminating pamphlet on Education,[2] against "indolent acquiescence in second-hand schemes of living," cannot be confined in its application to every department of thought and conduct saving only this.

It seems to me that, if self-realization and self-respect are to be compatible with some form of social order, the first requisite will be that the sexual relation shall be quite independent of, and at will separable from, reproduction. This point has been so frankly and acutely argued by Dr. Elsie Clews Parsons in the INTERNATIONAL JOURNAL OF ETHICS that I shall not further enlarge on it here. I should like, however, to record briefly my gratitude and appreciation of Dr. Parsons' work in this direction: her scale of revaluations of sex concepts is most refreshingly sane, true and vital, and her services to birth-control (and therefore civilisation) on the theoretical and rationalising side are comparable to the work of Margaret Sanger as a practical propagandist.

Apart from the special outlook of women, Dr. Warner Fite has admirably summed up the ethical argument in favour of individual choice and responsibility with regard to reproduction. The economic argument may be studied in the thorough and painstaking controversial publications

[1] Expanded and revised version of a paper read to The League of Peace and Freedom, at Westminster, London, December 6th, 1916.

[2] *School Antidotes*, by John Russell, M.A., League of Peace and Freedom Pamphlets, 1915.

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of the Malthusian League. It is perfectly avoidable and detestably cruel that each generation should buy its sexual experience at the cost of the next. Children have a right to be wanted and welcomed, not to be conceived as the result of some ignominious accident, or because—as so often happens now—of the drunkenness and brutal carelessness of one parent and the ignorance and stupidity of the other. I am sure we do not at all realise to what an extent the poor quality of so much human life to-day is due to the circumstances of its conception and antenatal conditions. The joyously, consciously conceived and born child will surely reveal an astonishing enhancement of aptitudes and faculties and a deeper force of vital impulse, and under any sane and decent social order only such children would come to life. Moreover, I believe that another very serious social problem would be much nearer solution: the problem of the hard instinctive hostility between the old and the young, which hampers and embitters so many lives.

Finally, it is only when the right *not* to have children has been firmly vindicated, that its positive complementary right can be established. Under present conditions, maternity endowment would be peculiarly liable to become an engine of exploitation and oppression.

The universal knowledge and recognition of birth-control would also clear the public mind as to the two classes of sex problem.

There are many persons who consider that the sexual impulse and all its manifestations become morally elevated, and more presentable in polite circles if the incriminating adjective is replaced by "racial." This term may, without too great inaccuracy, be applied to the problems involving parentage. To the more subtle, individual, and obscure psychological puzzles, in which parentage is excluded, the term *racial* has no application whatever.

Whatever may be the differences of personal opinion on certain sexual questions, it is quite certain that the reform both of our peculiarly iniquitous English Divorce Laws and of our Bastardy Laws is very long overdue and abso-

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lutely indispensable, not only to any real civilization, but to the fundamental physical vitality of the national stock.[3] The only social justification of patriarchal marriage is the protection it is supposed to give, and sometimes really has given, to the child-bearing woman and the young child. Of course, that is not the historical or psychological reason for the origin of marriage, but it is its sanction, apart from superstition and sex taboos, and certainly the only sanction the modern mind can consider. I think only persons who have specially interested themselves in the operation of our absolutely incredible Divorce Laws or in the lives of the less fortunate members of the community can realise how increasingly inadequate this protection is. But one does not need to be an expert social investigator to know that a large number of men and women deliberately refuse marriage not only from economic reasons but also from a deep distrust of its formulas and its grinding exclusive intimacy; and this distrust is confirmed by reason and observation. A small but growing number of women deliberately prefer, against heavy odds, to have children outside marriage. A much larger number, mostly of the predominantly maternal type, which is conventionally considered of supreme value to the community, and certainly approximates more closely than any other to the traditional "womanly" ideal, spend lives of sterility and a slow atrophy of bodily and mental power. And there is also the other side of the shield, the price which has always to be paid for a rigid patriarchal marriage system in prostitution and all it involves.

The law should only intervene in sexual relationships to preserve the dignity of the body from exploitation or violation,—which at present in marriage it notoriously does not do,—or to preserve a certain minimum of public decency and order, or to safeguard the immature and helpless. It is perfectly possible to devise a system whereby the large number of people who like to combine the erotic side of life with a permanent joint home and children can do so without

[3] *Cf:* the *Evidence and Findings of the Royal Commissions on Divorce Law Reform and Venereal Diseases, 1912 and 1915.*

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sacrificing the children's chances of wholesome growth should the parents temporarily or permanently drift apart. Why should all marriage contracts be stereotyped on the same lines? Even under present conditions, there is room for a great deal more individual adaptation.

The non-racial sex problems are, I think, much the most interesting. They fall, roughly, into two divisions: Those of permanence or rather exclusiveness versus variety, and those of abnormality. All these difficulties have harassed and perplexed human nature in the past, but they have been sedulously ignored or met either with wholesale condemnation or rough and ready adaptation to male needs and preferences only. But as soon as parentage becomes a voluntarily assumed, though most serious, social responsibility, and sexual relations are recognized as having ethical value of their own, then all thinking people must ask why any special sanctity should attach to monogamy rather than to more complex and varied partnerships.

Unofficially, of course, it has always been recognised that most men are profoundly polygamous; that a very deep affection and strong physical attraction towards one woman by no means excludes other affinities. The ancient patriarchal civilisations (or semi-barbarisms) met this by legalised polygamy in one household. But both climate and standard of living and the slowly developing sense of individuality and dignity among women militate against any reversion to patriarchal polygamy in this country, though the frightful disparity between the numbers of young adult men and women after the war may lead to very curious developments. In officially monogamous countries, again, the demand for something impermanent, or rather *occasional*, and *detached from the main current of life* is met by prostitution; but only in a one-sided, degrading and wasteful way. And tradition still combines with the vanity and jealousy of the average man to deny any corresponding need for diversity in woman.

Of course a large and noisy section of opinion among Suffragists, including the extremely dogmatic and tyran-

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nical Suffragist bureaucracy[4]—the "Leaders" of the movement,—advocates as the true path of progress, the reduction, almost the extirpation, of the sex impulse in men. It is, I suppose, a truism that that impulse greatly needs to become more under the control of the will, more interwoven with the imagination and the affections, more altruistic and comradely, and above all, more instinctively discriminating. Obviously, also, this great evolution and improvement is enormously hampered by inherited tradition and by vested interests. All this may be most frankly conceded, but still I do not believe it would be a good thing if the majority of men *could* be subjected to the desexualising repression from which most women are only just emerging. It would make life even duller for most women than it is, and would probably not be consonant with mental originality or motor activity. At the same time it is an interesting point that, while most men of conspicuous intellectual ability and force of character appear to have been rather hypersexual as well, there is a marked group, including many most eminent men, who were and are apparently *under* the normal average in this respect. So that men of genius and ability appear to resemble women in that their range of sexual variation is wider than that of most men.

The wider feminine range of variation in respect of the functions and emotions of sex is about as well established as any human fact in this region of nature can be. Moreover, the recognition of this fact will not lead to promiscuity, for the most passionate women have sexual repulsions and aversions as strong as their preferences. Prostitution and promiscuity have never been the expression of *women's* needs any more than enforced celibacy and cast iron monogamy.[5]

The double need, for permanence and for variety, will

[4] The author has observed the Suffrage movement in England, from within and from without, for some years.

[5] *Sexual Variety and Variability Among Women and Their Bearing on Social Reconstruction*, Publication No. 3 of the British Society for the Study of Sex Psychology, 1916.

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have to be met, in a real civilisation, for both sexes; and with the growing versatility and sensitiveness of our perceptions, and the recognition of women's equal right to live and love, it will become increasingly difficult to meet the need for durability and permanence in any exclusive sex partnership. The extraordinarily interesting and profound passages dealing with marriage in Mr. Bertrand Russell's book on "The Principles of Social Reconstruction" seem to me rather to imply that the best love relation must necessarily mean that the lives touch at nearly all points and all interests are in common. Of course, where this really does occur, in the case of two individuals on more or less the same plane,—as, for instance, Robert and Elizabeth Browning,—it is a beautiful and glorious thing, and an enrichment of life to themselves and the world. Let us be honest and state clearly that, in most cases of any partnership of two individuals of high and approximately equal development, permanence is only possible through a very large element of elasticity; through a good deal of judicious absence and intermittence. And I think anyone who is not afraid of the truth of life must admit that some lesser passion or friendship, some emotional minor interest, may not only have its own beauty and value, but may enhance and deepen the central love. I would again draw attention to Elsie Clews Parsons' wise and brave words on this subject. Let us remember, also, that the insistence on a passion which has died down may destroy the possibility of a deep and tender friendship which might succeed it.

Of course, I assume that in the new social order of harmony based on freedom it will no longer be either a financial or a moral asset for a grown woman to retain the physical and mental condition appropriate to a female child of ten. It will rather be considered a misfortune or as the mark of an incomplete and timid nature.

We do not yet *know* much about the relative sex natures of men and women. The main difference may well prove to be, not any fundamental disparity in the force of the

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impulse, but a difference in its relation to the consciousness. In comparing and estimating this difference, it is important to remember that men have an inherited tradition—irrespective of individual disposition—of emphatic sexual swagger, and women an equally emphatic tradition of rigid sexual repression. So strong is the influence of this tradition, even in the minds of persons whose *conscious* reason and moral sense repudiates the taboo, that its infringement is apt to be regarded as synonymous with complete and undiscriminating promiscuity. Only by the development of new codes, based on the study and recognition of the truth and expressing respect for freedom and justice, shall we be able to form any valid conclusions in this region. I do not think any woman can fail to notice a profound inadequacy in the estimate of her emotional needs crystallised in the institutions and the literature of the world by men. A very thorough and painstaking investigator, an Austrian Slav,[6] has pointed out that there are several sources of error here: where the psychological investigator transfers his own mental processes—may one not say more frequently his own ideals and vicarious standards?—to the subject of his study; where he confines his attention to the type most congenial to him, to the neglect of divergent characters; and where, in the course of professional pathological work, his "material" tends to be "morbid," "unfortunate" or abnormal in some direction.

Perhaps the main error in the conventional view of women's emotional life is the exaggeration and idealisation of the maternal instinct over the sexual. There is, undoubtedly, in many women a physical passion of maternity quite as strong as or stronger than any conscious sex instinct, but I think the current conventional glorification of motherlove and the maternal relation is based partly on the instinctive masculine wonder at a whole series of functions to which, apparently, men had nothing analogous, partly on the ascetic depreciation of sex. Surely it is time to

[6] C. J. Bucura, *Geschlechtsunterschiede beim Menschen—Eine klinisch-physiologische Studie*, Leipzig and Vienna, 1913.

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acknowledge that, in spite of all the beauty, the complexity and tenderness of the finer manifestations of maternal love, and its indispensability to the race, it is at its root, just as much "a lust of the flesh," *i.e.*, a natural instinct with an organic and physiological basis, as the much reviled sex impulse. Moreover, some of its manifestations are as tyrannous, cruel, irrational and socially harmful as any follies or excesses of the sex impulse. A free, conscious, responsible and joyous maternity will teach us a great deal.

F. W. Stella Browne.

London, England.

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SOCIAL IDEALS AND SOCIAL PROGRESS.

GEORGE V. KRACHT.

IN THE individual the growth from unconsciousness to consciousness—from a feeling to an intelligent being—is regarded as natural and good. Deplore as we may the ends which some individuals or states are striving to attain, we nevertheless regard the mere existence of ideals and carefully selected means as indicative of an advance over that condition where all action is automatic. Even the man whose activities are co-ordinated to evil ends is considered as the superior to him who is slave to every passing whim and fancy. Ibsen expressed this truth in "Peer Gynt." Dante populated the entrance to the Inferno with the latter class. And we have in Eliot's "Middlemarch" a like confirmation in the expression—"To have tried and failed is better than never to have made an effort good enough to be called a failure."

Social evolution, likewise, is a progression from instinctive to intelligent action. The entrance of social ideals and volitions into the evolutionary process marks a transition from imperfection to approximate perfection; from slavery to freedom; from a state where all are "slaves to the mere impulses of appetite" to a state where all are freed by "obedience to laws which they themselves prescribe." For even the evils incident to mistaken ideals or illy chosen means are tolerable on the grounds that perfection can be reached only through struggles. We would rather reach truth through error, if necessary, than stumble upon it through emotion; because intellectual development is the means by which, and the end for which, society exists.

We find a striking confirmation of this truth from a quarter least expected. From the "Preliminary to Political Organization" by H. Spencer (Part V—Principles of Sociology) we quote the following:

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Mark now, however, that while this merciless discipline of Nature, "red in tooth and claw" has been essential to the progress of sentient life, its persistence through all time with all creatures must not be inferred. The high organization evolved by and for this universal conflict, is not necessarily forever employed to like ends. The resulting power and intelligence admit of being far otherwise employed. Not for offence and defence only are the inherited structures useful, but for various other purposes, and these purposes may finally become the exclusive purposes.

Yet, in spite of this, we find him employed in recent issues of the Forum, through the reprint of his various essays on social subjects, to sound a solemn warning, in the name of evolution and of reason, against modern legislative tendencies. For the "merciless discipline" of physical conflict, it seems, there must be substituted the equally pitiless discipline of unrestricted industrial competition. Instead of the conflict which eliminates the physical unfit, we must have the conflict which eliminates the industrial unfit; for bodily slavery, there must be substituted industrial slavery; for the suppression of physical activities, the suppression of intelligence and will. In this bitter conflict of men, the unfit will be eliminated by the effective method of starvation, if necessary. Let there be no conscious state-action to diminish the fierceness of the struggle. Such action is unwise in principle and must be disastrous in its effects. The positive functions of the state must be strictly limited to those involved in what Huxley called "the great negative commandment—'Thou shalt not allow any man to interfere with the liberty of another man.'" The forces inherent in the social organism —blind, unconscious, though they be—the "merciless discipline" of the struggle for existence, which created and perpetuated society, of themselves will produce the ideal race. "Evil," he says, "has a curative effect." Social evils—social suffering—have a tendency to effect their own cure. The joint reactions of social aggregates, as well as the unconscious inter-actions of the component social atoms, will not fail in their "beneficent" operation. Interference by the social intelligence to ameliorate con-

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ditions will only intensify the suffering; will surely produce still more acute pain, necessitating still further interference, until, by a process of "fructifying causation," we become entangled in a network of bureaucracy, from which it will be impossible to extricate ourselves.

The implications contained in this doctrine are vital. It means simply that state-action, with a view of limiting the struggle for existence in any form, is evil in itself; not only because it obstructs the operation of forces inherent in society, which constitute the only means of continued progress; but also because it will lead to a condition where the individual is enslaved by his own laws. It sounds the death warrant of all social legislation. It declares, simply and categorically, that modern legislation is unnatural in its origin and vicious in its results. Social intelligence should not be developed by exercise because it has no legitimate place in the evolutionary process. It will ultimately create a vast militant-industrial state, in which the members are slaves to an officialdom created by their laws. Instinct—not intelligence; unlimited warfare—not social ethics are the means of all social progress.

Nothing is more obvious than the fact that this doctrine implies the negation of the value of ideals in social evolution. It advocates a permanent reversion to the infant state, where development is effected by unconscious reactions. It declares that, while the law of growth in the individual is from unconsciousness to consciousness and that, while this growth is a transition from slavery to freedom, the application of the law to society is not sanctioned by reason. The determining factor in social evolution is, and forever must be, among all races, the promotion of the social welfare by individual effort—without coercion. For the attempt to realize social ideals through state-action involves coercion and slavery; not, as in the individual, a higher slavery to the dictates of reason, but a slavery to a vast army created to enforce the decrees of the public will.

But social consciousness has a legitimate place in social

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evolution. Dispute its utility as we may; revolt as we may against its tendencies, the very character of society makes it inevitable that state-action with a view of realizing social ideals be an ever-increasing factor in determining the structure and development of the state. Social forms necessarily reflect the average individual characters. Where the component individuals are ruled largely by feeling, instinct, and circumstance, the successive modifications in the social structure are determined by like factors. As intelligence and will emerge from their obscurity, and the individuals of the race become more or less self-determining, the social organism, likewise, rises above an existence, whose activities are determined by unconscious forces, and becomes to some extent a self-determining entity; a being which realizes its ends through carefully selected means.

Far from this development, being, as Spencer supposes, unnatural and disastrous, it has been both necessary and beneficial. It is in entire accord with the evolutionary process which has advanced man to his present state. For, as Huxley said, "of all the successive states to which society has attained, that most nearly approaches perfection, in which the warfare of the individual is most strictly limited."

Society is something more than a dead abstraction—a mental concept. No one has realized this more clearly than Spencer whose descriptions of the analogy which subsists between the social and the individual organism, are the most interesting and instructive we have. The bond which unites men into societies is something very real and concrete; just as real as the force which binds the atoms of hydrogen and oxygen together in a molecule of water. And if this analogy counts for anything at all it points clearly to the fact that, as the activities of the individual are the result of the complex activities of the compounded elements entering into his structure; so the activities of a society can be nothing more nor less than the result of the activities of the compounded individuals. If these individuals progress through consciously chosen

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means to definite ends, so must the society develop in the same manner.

It is unnatural to suppose that individuals who attempt to attain their ends through conscious effort should collectively will that the realization of social ideals should be left to be determined by an unrestricted struggle for life; the character of which is necessarily fatal to many things they consider necessary to social progess. The very fact that man realized that happiness consists in conscious effort to attain certain ends would lead him to extend the generalization: to suppose that, collectively, ideals might be realized in the same manner. And, because social ideals are merely the compound of individual ideals, and laws are nothing but the product of the automatic reaction of the social will to what the social intelligence regards as good, expressed and enforced by that specialized portion of society called the government, it was both natural and necessary that society should attempt consciously to realize its ideals by putting a limit on the struggle for existence through governmental decrees. The very nature of society demanded such an action; rendered it inevitable.

Furthermore, laws imply, not the suppression of the action of the struggle between individuals, but the continuation of that struggle under conditions more favorable to the progress of the human race. These conditions are not an arbitrary creation; they do not negate or destroy the process of evolution, but are, themselves, an expression of that process—a crystallized variation of exactly the same nature as the spontaneous variations occurring in organic nature, but the more readily fixed and universalized because of the existence of intelligence. The enunciation of a new social truth, such as the statement that "governments derive their just powers from the consent of the governed" is strictly a "spontaneous variation"; as strictly one as was the appearance of short legs in the Ancon sheep. It is a natural psychical variation, as truly the effect of natural laws—the product of Nature, if you will, as any physical modification in the structure of the mem-

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bers of a species. That this variation is perpetuated by laws, institutions and customs is a necessary consequence of its nature. The successive modifications of the social structure correspond to successive types in the history of a species. We know at least as much of their genesis, development and perpetuation as we do of the genesis, development and perpetuation of characters purely physical. That their essence is different, is mental rather than physiological, does not necessitate the formation of a new generalization to comprehend them. The formulæ of evolution, rightly understood, are broad enough to embrace this new phenomenon—ethical man. The whole difficulty of those who interpret these formulæ to mean that the state should let individuals fight it out among themselves arises from their failure to realize that man is a social animal, endowed with intelligence: a moral being, who cannot be developed under such conditions.

No one saw more clearly than Spencer that unconscious development through individual effort had reduced man to a condition little better than slavery. "This liberty (of the wage-earning factory hand)," he said, "amounts in practice to little more than the ability to exchange one slavery for another; since, fit only for his particular occupation he has rarely the opportunity of doing anything more than to decide in what mill he will pass the greater part of his dreary days. The coercion of circumstance often bears more hardly upon him than the coercion of a master does on one in bondage." Defending this state, he continues—"it seems that in the course of social progress, parts, more or less large, are sacrificed for the benefit of society as a whole. . . . In either case men are used up for the benefit of prosperity; and, so long as they go on multiplying in excess of the means of subsistence, there appears no remedy."

The difficulty here is the unwarranted assumption that this sacrifice was only temporary; and that it was subserving the production of higher types. But it is hardly necessary to show on either historical or rational grounds,

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that the contrary was and must be the case. Spencer himself could find no escape but in the weak advocacy of a co-operative factory in which the workers deputed a commission to act as manager, and were paid on a piece-work basis. Since his time, however, inventions rendering possible the ownership of almost all means of production and exchange by a few individuals have made conditions still more acute. Mark, however, that the nature of the struggle became such that the class of industrial fit was still more limited. If the ideal of the race were the production of a class of industrial fit, this unrestricted struggle itself defeated that end. Not a race, but a few hundred "fit" acquired ownership of the agencies of production and with them the control of a vast portion of the workers' lives and actions. Other evils, too well known to require mention, such as the formation of a leisure class, which contributed little to social progress, were attendant results. Here and there a few individuals, with exceptional abilities along specialized lines, were seen breaking into the class of industrial rulers. But there was, and is, nothing in the struggle to indicate that these abilities would be fixed and transmitted to such an extent that the final result would be the survival of a class of "fittest" possessing such characteristics as are essential to industrial supremacy.

The logical end of this unrestricted struggle must ultimately have been a permanent condition of slavery for the many and the rule of the few; the destruction of what Kant called the "unsocial" element in man—the very thing Spencer warns us our attempts to diminish the bitterness of industrial competition will bring about.

But apart from the fact that the continuation of this pitiless industrial warfare failed to produce the conditions necessary to the full expression of industrial ability, still graver evils accompanied the process. Pure industrial supremacy, abilities which conduced to industrial success, came to be regarded as the ideals of the age. Cunning, decisiveness, deceit, everything which would enable one man to acquire control over another, were considered as

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highly desirable qualities. That moral principle, so beautifully expressed by Tennyson—"For virtue lives from man to man; and not, O, God, from man to Thee!" was necessarily discarded as an impediment to success. Worth was measured in terms of wealth. Reverence, altruism, and those other virtues, slowly acquired through countless centuries, were relegated to a position inferior to those qualities conducing to industrial success.

The positive effects of this condition were both mental and physical. Material ideals supplied an atmosphere in which the other higher faculties of man—creative intelligence, constructive imagination, will, could not grow. Science, art, literature, were stifled by the lack of conditions necessary to life and growth. We are all familiar with the truth that genius and talent require proper mental conditions in which to expand. The absence of these conditions—the existence, in fact, of a contrary influence, produced a mental and moral stagnancy, the results of which have been keenly felt in this country. The prostitution of intellect to money, to financial success, the absence of true literature, the servile fawning to popular taste, a fatal lack of morality in all things—are effects positively experienced.

Among the more concrete effects was the limitation of man's activities to industry. The sharpness of the struggle to exist rendered impossible the full and equal development of all faculties. The leisure class did not devote their energies to culture; the poorer class could not. The difficulty of procuring means of sustenance undoubtedly suppressed the activities of many individuals who might have made contributions of great value to the social welfare. Economic conditions and ideals, which perpetuated for years the vicious system of child labor, must necessarily have prevented the development of many individuals who, under more favorable circumstances, would have proved valuable to society. The time necessary to procure the bare necessities of life, the false ideals of what constituted such necessities, directly produced by the economic strug-

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gle, prevented, either wholly or partly, the exercise of those higher faculties, the development of which is at once the end and means of social progress.

The social ideals which found expression in governmental interference with the condition of social and economic life, depend upon several determinate factors. First of all, there is the recognition of the fact that unlimited competition did not and could not afford a suitable basis for the development of industrial abilities. Established institutions, vast industrial units, produced in the past, exerted an unfavorable influence on the future. Isolated examples of men of vast abilities forging to the front, despite the deterrent factors of birth, poverty and environment, only served to accentuate the fact that men of lesser ability or less glaring talents must be suppressed by economic conditions. So political thinkers divided into two opposing camps. The one favored a reversion to the condition of individual competition which preceded the present state. The other, recognizing the hopelessness of such a proposition, favored effective regulation of these large units of production and exchange. But both served to illustrate the fact that the individual selfishness, which Spencer considers the most important causative factor in progress, when expressed industrially was doing positive harm; was reducing the members of society to a state of permanent industrial servitude.

While the recognition of this fact undoubtedly exerted the strongest influence in shaping social ideals, a deeper truth was present in the social intelligence, with a greater or less degree of consciousness. This was the realization of the fact that it was highly important that this unsocial element in man, this desire to succeed, express itself in other than purely economic terms. Thinkers began to point out that higher ethics—superior intelligence—were not being conserved by the unrestricted struggle to live. They insisted that the true end of social evolution, of the whole evolutionary process, must be the "highest individual happiness consistent with the social welfare." And they

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declared that, as individual happiness consists in the free and healthy exercise of all faculties, so social happiness could be promoted only by affording to all the means of developing such faculties. Society must progress by utilizing to the utmost, not only industrial abilities, but the higher intellectual powers which express themselves in science, literature and art. And every limit placed on the struggle for existence, every successful attempt to diminish the labors necessary to live, rendered man less animal and more rational. Existence itself having been provided for —or, at least, the effort necessary to secure life having been diminished—the time at hand for the exercise of other faculties is correspondingly increased. Society having recognized, to some extent, the purpose of its existence, is endeavoring, at least, to realize this purpose through intelligent state-action. The basic law of social growth is now that progress lies in conscious attempts to realize social ideals.

There is no doubt that as society progresses this latter factor will acquire more definite shape and greater causative power. This, of course, must depend upon the degree of individual development. The limitations we place on industrial warfare must keep constant pace with the ability of individuals to develop under the changed social forms.

Far from this doctrine lending support to Socialism, there is nothing more fatally opposed to it. Socialists favor the establishment of a society in advance of average individual development. They propose to create a state in which existence is practically assured by the body social, and the development of individual powers depends entirely on the individual; the only reward of such exercise being the happiness resultant upon individual exertion.

But the fact that individual growth is possible only under social forms which adequately express the acquired characters and tendencies of the race, definitely prohibits the success of such a state. Limitations will be put on the struggle for existence only as the successively higher types realize that they cannot properly develop under conditions

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which obtained in preceding ages. When that "unsocial" tendency in man, which Kant defined as the creator of all the art, all the learning, all the culture which adorn humanity, finds its principal expression in intellectual and moral pursuits, and the ideal of industrial fitness has been limited to a narrow sphere, then the socialistic state may be possible. But any attempt to realize it before that time can be successful only by the establishment of a "civil regimentation parallel to military regimentation" the evils of which Spencer depicts so forcibly in the "Principles of Sociology."

This does not necessarily limit us to Rousseau's metaphysical doctrine that the sovereign cannot err. But it does involve the principle that it will never err sufficiently long in one direction to render dissolution of the state necessary. While organized agitation in favor of an ideal, such as Socialism, may temporarily divert legislation in the wrong direction, the general rule is that the people hold permanently to a safe mean. Furthermore, the relative impotence of the will to realize immediately its ideals, will forever operate as a deterrent influence to extreme state interference.

Social progress now, as in the past, is largely determined by unconscious forces. Individuals and groups of individuals still react to external circumstances. Within the limits defined by society, the pursuit of individual ends will probably for all time modify the social structure and indirectly promote the social welfare. Even reactions to forces outside the social organism are still the rule. Treaties, arbitration agreements, etc., conceived and approved of in saner moments, are swept aside by recurrent tides of passion. Many ages must elapse before the most important factor in social evolution is conscious action towards definite ideals. For the present, we must rest content with the fact that steady progress is being made towards such a state; and that in proportion as the development of the individual is determined by intelligence and will, the

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social growth will be determined in a larger degree by the same factors.

With the recognition of these truths, the great objections advanced by Spencer that governmental interference leads to slavery automatically disappears. The extent of the interference being always dependent upon the realization of its necessity in order to furnish the conditions necessary to the full development of the type, we may safely leave it to each age to decide what limits it is desirable to set on governmental interference. The unsocial element in man will instinctively protect itself against undue suppression. "The question," said Huxley, "when to draw the line between those things with which the state ought, and those with which it ought not, to interfere, then, is one which must be left to be decided separately for each individual case."

It is not logical to indict a movement on the grounds that it will eventually produce in some far-distant future a social state, the establishment of which at the present time would be disastrous. It is not rational, not in accord with what we know of evolution, to say that such a state would mean slavery, merely because it could be rendered effective at the present time only by coercion. This is a question with which we are not able to deal; it presents a problem of maxima and minima in social calculus which no one thinker is able to solve.

Individual acts of the government may certainly be criticized on the grounds that the race is not ready for them; social forms may be attacked because they do not adequately express the advanced character of the race. But those who utter a protest against the enlargement of the circle of governmental activities, because of the presumed tendencies of such action, or because such interference by the state is conscious, are just as illogical as the Socialist who criticizes unconscious development through industrial struggles on the grounds of its nature and its tendencies; who desires to establish a state as far above the average social development as that advocated by the indi-

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vidualist is behind it. Between these two extremes, individualism and socialism, society advances, with an ever increasing consciousness of its purpose and an ever increasing use of carefully selected means to attain that purpose—to what we regard as the true end of the evolutionary process—the realization of the full possibilities of organic matter and mind. And if the character of this growth is such that the operation of natural selection is slowly confined within successively narrower limits, and intelligent direction of social forces exerts an increasingly larger influence, it is only because the fact of human consciousness renders this process natural and beneficial.

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A NOTE ON THE RELATION OF ETHICS TO PROGRESS.

FREDERICK G. HENKE.

AS CIVILIZATION advances, and the techniques and appliances whereby the various needs of life are met become more numerous and complex, the problems of conduct grow more intricate and involved, and their solution correspondingly difficult. An outstanding weakness of our civilization is that the attitude toward the solution of social and ethical problems is essentially the same as it was in earlier periods of human history, when life was simpler and social organizations much less complex. We look to the traditional methods of religion, to customary moral instruction, and to relatively uncontrolled legal enactment, to afford relief; and while we hope and wait untold harm is being done to individuals, the race, and the very fabric of civilization.

The question of the intrinsic value of present civilization is a legitimate one, especially if we mean thereby merely the increase in methods of meeting the physical needs of life, many of which have become highly artificial. It is possible for individuals and groups of individuals to enjoy the conveniences of modern civilization—beautiful homes, rapid transportation, telegraph, telephone, automobiles, democratic form of government, and all the other things that modern life has brought forth to make living more convenient and comfortable—and yet at the same time these persons may be savages at heart; for the difference between enlightenment and savagery is less a matter of the things that are being used than it is of the fundamental attitude toward life. The savage is primarily interested in meeting and adequately supplying physical needs and in maintaining the *status quo* of social organization. But we prefer not to have civilization identified with convenient, comfortable living. Somehow personality and character

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must count for something, for to be really enlightened means more than having ability to make one's life more luxurious and comfortable in arithmetical or geometrical progression.

Enlightenment has form as well as content, and of the two the form is the stabler and more enduring. It is precisely at this point that a difficulty has arisen. The rise of scientific method introduced a dualism into the form of conduct, which has given rise to much difficulty in modern life. The saints and scholars of the middle ages had been reasonably successful in amalgamating Hebrew religion and Greek thought and by doing this in unifying the form of the civilization of that day. But Galileo, Copernicus, Francis Bacon, and others caused consternation by emphasizing and advocating a *volteface* in the basic attitude toward progress. It was a tremendous blow for the thought and the institutions of that day to confront a thorough-going reorganization, when it had been confidently believed that fundamentals had been finally established. From Bacon's point of view all these hoary and long-venerated idols needed to be utterly annihilated; but in actual fact they continued to exist as before, though their sphere of influence was somewhat more limited. Modern science, though weak and ill cared for at first, grew and developed, while alongside it religion, conduct in its moral aspects, and, to a large extent, education, continued under the domination of tradition and custom.

These are the conditions which we confront at the present time. Scientific method prevails in laboratory, factory, and workshop; but in matters of conduct we are still under the influence of the same internal and external sanctions as of old. As we continue under these influences the problems are becoming progressively larger and more threatening. A purely conceptual universe, untarnished by the world of fact, may be a beautiful thing to contemplate, but its relation to the stern realities of life is exceedingly disappointing. Modern social problems bombard us with insistent demand for adequate solution, and

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we try to cope with them with rusty spear and dulled battle-axe, while they threaten us with destruction.

Cases in point are not hard to find. The capital and labor issue has existed since some men have sought and employed other men; but prior to the industrial revolution of the eighteenth century its implications and external manifestations, while important and often exasperating, were not nearly so pregnant with lasting injury to the entire social organism as to-day. In the presence of the recently threatened railway strike the President of the United States was so appalled at the probable outcome that he set aside the principle of arbitration and sought refuge in legal enactment to avert a great calamity. No very vivid imagination is required to picture the dire results upon city, town, and country, as well as upon foreign relations, that sudden cessation of railway traffic would inflict. In our day it is almost literally possible for a group of men—sometimes a comparatively small group—to get nations, perhaps even the entire world, by the throat and force its demands home. This is an ominous cloud on the social horizon.

In a recent number of this JOURNAL, under the caption, "Marriage and the Population Question," [1] Bertrand Russell called attention to another social problem which bulks large in England, France, and other countries. Statistics show that the population in France has been practically stationary for some time, and that England is about to face like conditions. Some portions of the population are dwindling, which means that they are gradually becoming extinct; other sections are increasing. "The sections that are increasing are the very poor, the shiftless and drunken, the feeble-minded—feeble-minded women, especially, are apt to be very prolific. . . . If an average sample of children were taken out of the population of England, and their parents were examined, it would be found that prudence, energy, intellect, and enlightenment were less common among the parents than

[1] Int. Jour. Ethics, Vol. XXVI, pp. 443-461.

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in the population in general, while shiftlessness, feeble-mindedness, stupidity, and superstition were more common than in the population in general."[2] These conditions so vividly depicted by an Englishman and careful student of English life need no special comment to show present-day tendencies, especially when seen from the biological perspective. Their significance is greatly enhanced when we realize that they are true of many, if not all countries, in which material civilization has reached a high point of development.

However, they are but two of many great modern problems, pointing to the larger issue, which reduced to simple terms is this: Shall progress continue, or shall decay of energy and intelligence take the ascendency in modern life? If the latter prevails, our over-eulogized European civilization of to-day may eventually lie in the scrap-heap by the side of Roman, Grecian, Egyptian, and Babylonian civilizations. It will not do in the face of the tremendous problems of the hour to say that there has been progress in the past and that the future may best be judged by what has preceded. Evolution will doubtless go on, but no assurance is present that lapses may not occur in the instance of particular nations and peoples.

It is an incontrovertible fact that the development of civilization since the time of Galileo and Bacon is in a very large measure due to the use of the scientific method. Stripped of its unessentials, scientific method consists in suspending judgment until the bearing of all available related facts has been made explicit; and it includes a diligent search for the facts that have a bearing upon the case in point. It is for these reasons that science makes constant use of the laboratory. In the realms of organic and inorganic chemistry, theoretical and applied physics, geology, biology, and related sciences, the inductive method is readily applied and of inestimable value; but from the standpoint of modern progress the critical issue centers

[2] Int. Jour. Ethics, Vol. XXVI, pp. 449 f.

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about its application to individual and social problems of conduct.

We are raising corn, cattle, and chickens by improved scientific methods; while that which is most valuable, human life, is obliged to find its way through the intricate labyrinth of modern social and economic life as best it can—largely by the trial and error method. Every year thousands of youths leave our schools without the slightest clue of the best direction for them to take. Knowing little or nothing about the pernicious effects of commercialized pleasure upon human life and welfare, and being even less informed regarding their aptitudes for certain vocations, or their disabilities for work in others, they soon become the flotsam and jetsam of human society.

In this connection it has been customary to emphasize the place of home and church as efficient factors in promoting social adjustment and social efficiency. Doubtless these have important functions to fulfil in society. The mother and the father may do much provided they have knowledge; but since in the majority of cases they are at sea themselves, without chart or compass, genuine progress is at this point largely accidental. The church on its part is in most instances well-intentioned. It would in some way prove a real salt of the earth, but it too is circumscribed by the very nature of the situation to do little more for the actual content of conduct than tradition—in this instance, largely church tradition—prescribes. The function of the church is, after all, more to furnish the psychological motive than the what, or content, of conduct. In so far as it has undertaken to dictate the what of action, it has proven itself subject to numberless limitations. When, however, it inculcates the law of love, urging men to utilize it as the main-spring of action, our very natures rouse themselves in sympathetic response. It is unfair of society to demand of home and church the solution of problems which these agencies can solve only when society itself has valiantly done its part.

The dualism which has existed in the form of conduct

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since the rise of modern science and which, if continued, will do untold harm, may be removed in case the old sanctions of religion and ethics are abandoned in so far as they pertain to attitudes which, though traditional, not only lack vital relation to the life process but thwart the attainment of necessary values. That which is really life-giving should obviously not be dropped. The law of love firmly rooted in the powerful human sentiment of sympathy is a case in point. A union between benevolence on the one hand and the scientific attitude on the other is what society needs more than anything else at the present time. Neither of these without the other is adequate for the task.

Society confronts a twofold task. In the first place, the effects of definite types of conduct upon individuals and upon the group as a whole should be consistently and faithfully investigated according to the most approved methods of science, and after valuable discoveries have been made, these should be exhibited for the benefit of the people. No one should remain uninstructed in the things that pertain to the promotion of human welfare. Many of these investigations cannot be made adequately by private or corporate agencies, and for this reason they should be made under expert supervision by the government.

And then, in the second place, society should continue to reinforce the efforts of home and church in making the ideal content of action the actual content. It is the function of society to see to it that men do the things that ought to be done.

The question of the content of conduct, the form having been disposed of, remains to be considered; the end to be subserved and promoted through scientific research under the influence of benevolence must be exhibited. We have stated it in general terms as progress, but progress is one of those terms which need closer and more accurate definition. The quest takes us in the direction of a search for, and an analysis of, the fundamental interests of society.

Historically the *summum bonum* has been variously

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defined; for hedonism, energism, and rigorism, in ancient and modern garb, have essayed to describe it. The higher types of hedonism, as exemplified in John Stuart Mill's utilitarianism and Spencer's evolutionary hedonism, have grappled with the problem in modern form, but without being able to offer a satisfactory solution. Here again modern science has come to the rescue, for modern psychology, especially in its social aspects, has contributed much to a clearing up of the situation. It has shown that two extremes are to be avoided. In the first place, human beings are not primarily and fundamentally rational in interest and aim. Intelligence is an instrument of adaptation, and as such is subject to development; it is but one of a number of interests. In the second place, feeling and emotion are also instruments which facilitate adaptation. They are not, under normal conditions, ends of action, but monitors preceding and accompanying adaptive acts. Their original biological function is readily discernible, but their value as guides in questions of morals is open to serious objection. From generation to generation men have acted on the theory that action is right or wrong in accordance with the approval or disapproval it elicits, and in so doing they have often inflicted lasting injury upon themselves and others. Progress is something more than the realization of ends which produce a feeling of pleasure. It is a progressively increased sharing of a growing proportion of the world's population in the things that satisfy the great fundamental interests of human individuals and human society.

These interests emerge out of the fundamental congenital and acquired needs of mankind; their roots are firmly imbedded in the specific and general tendencies of human nature. Objectively they are the acts and things that meet these needs. They have been well summed up under six or seven heads as health, wealth, knowledge, sociability, beauty, rightness and religion.[3] Rightness is the nexus that binds them all together. The highest

[3] Small, *General Sociology*, p. 198, gives the first six.

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human good is a state in which increasing proportions of the world's population share in a constant approach toward more and better satisfaction of the health, wealth, sociability, knowledge, beauty, rightness, and religion desires.[4] This type of the highest good makes progress consist in the increased sharing of all men in the things that promote human welfare. From this point of view, there is serious maladjustment where there is increasing poverty in certain sections with decreasing wealth, health, knowledge, sociability, beauty, rightness, and religion, while in other sections of the population there is increased enjoyment of these interests. The things that naturally should have primacy—human welfare, the ongoing of the social process—receive the emphasis they merit, if the *summum bonum* is interpreted in this way.

One item needs to be emphasized especially: human welfare is not merely an increased sharing of the world's population in some few of the fundamental interests—wealth and knowledge, for instance, but an increasing participation in all of them. A man may have great wealth or knowledge, while he lacks much in well-being and is a constant menace to the welfare of others. That is precisely the great danger which America, as well as Europe, confronts. The wreckage of the past abundantly confirms the fact that over-development of one interest or a group of these fundamental interests while others are partially neglected will in time work certain havoc. There is crying need for a change of front: conduct should be standardized by the application of scientific method rather than by tradition and sentiment.

The objection which is usually advanced, when a scientific program is proposed within the suggested field, is that it is unfeasible, in fact impossible. However the achievements of science have been so marvelous during the past few hundred years and the need is so great that skepticism and lethargy are suicidal. To urge complexity as an insurmountable barrier is certainly untimely in an age

[4] Small, *General Sociology*, p. 683.

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like the present; and surely the things that meet the fundamental needs of life are sufficiently objective to invite the application of scientific method. The magnificent achievements of medical science show clearly what can be accomplished in the prevention and cure of disease. The self-sacrificing work of Carroll, Reed, Agramonte, and Lazear in the discovery of the yellow fever bacillus is an outstanding case in point; and the construction of the Panama Canal in the presence of almost insurmountable obstacles no less so. The methods of acquiring and distributing wealth are surely as open to scientific investigation as ways of contracting and spreading disease; and work already in progress within the field of knowledge—we usually call it education—reveals the fact that science can do much here. Nor are the social, artistic, and religious interests exempt, for social and religious psychology have done substantial pioneer work in studying these.

The real reason why scientific method is not being applied in thorough-going fashion is not to be found in the lack of objectivity of the things with which action deals and the effects in which it terminates, but in the fact that the problems are approached and studied with an antiquated attitude. That the people as a whole should fail to appreciate the actual conditions is not surprising, but it does seem deplorable that so few of the political and religious leaders of the age are awake to the situation.

A few illustrations suggested by the present national and international situation may perhaps serve to make the standpoint here taken clearer. Within the last decade the moving-picture industry has assumed such tremendous proportions that there is scarcely a town or village of any size where there is not at least one photo-play theatre. American people of all walks of life and of all ages frequent these theatres in great numbers. The young are especially attracted by the comedy and the tragedy so realistically portrayed there. The ethical implications of this movement have received very inadequate consideration, and yet we may accept it as a dictum that any movement that

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permanently attracts a large proportion of the population should be carefully studied for its ethical effects.

A scientific approach to this with a view to discovering moral effects would involve an accurate investigation of the relations this has to the fundamental interests of society. Does it contribute to larger sharing of an increasing proportion of the population in the things that satisfy human needs and promote human progress? What is its influence in affecting the patterns of living which the patrons follow? What are its possibilities of propaganda in shaping public opinion? To begin with, the patrons would constitute the legitimate field of inquiry. Large numbers of individuals in different towns and in widely separated sections of the country, as well as of very different social and occupational interests, should be chosen. Men who have a professional knowledge of medicine and experience with all classes of men, and experts in social technology, should carry on the investigation in a perfectly non-partisan, dispassionate way, with the understanding that prejudice should have no place in the enterprise. The project is one of large proportions and will require patience and a large amount of energy. However, the stake is enormous; for human betterment is well worth striving for.

The great international situation is perhaps too near us for the calm attitude of scientific investigation, yet certain things are so obvious that we are forced to recognize them. One problem for the scientist stands out conspicuously. Some means for enforcing international agreements must be devised. Legal, political, and military sciences must contribute to the solution, but a better knowledge of the actual motives which govern men and of the method by which these motives may best be brought to bear is a problem in which the social psychologist is particularly concerned. In this case the very urgency of the matter is a challenge to the resourcefulness of science. The time to strike is when the iron is hot.

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SOCIAL JUSTICE AND LEGAL EDUCATION.[1]

LOUIS B. WEHLE.

THE question—what is legal education doing for social justice, brings us quickly to the fundamental inquiry: How is our common law system working as a social instrument? We can state the answer to that question at once, and at the same time, state the thesis of this discussion. Our Anglo-American common law system, with its primary principle of evolution through decisions, and its secondary principle of cure and mutation through statute, is inherently capable of co-ordinating itself with the people's life vigorously and efficiently. But it has failed us at vital points as a social instrument, under present conditions; and under the political and economic developments which lie ahead of us, it must fail us still more, unless it can be clarified and fused with the aspirations of the people. The bar of to-day is incapable of bringing this about. Legal education has not, up to now, taken cognizance of the failures of the law as a public agency; but it must now face them as facts. The law schools of this country are confronted with the great task of infusing into our legal system that element of responsiveness to the evolution of thought under changing conditions which alone can make it fulfil its proper function as a tool of justice. But this thesis carries no implication of despair; because legal education, under a few pre-eminent leaders, is beginning to see its problem. In mastering it, however, it will need large support in the first instance from the universities, and finally, from a public which shall be made to understand the vastness of the issue at stake.

Let us mark clearly now the scope of this discussion by definition and delimitation. First, we are standing four-

[1] This article which appeared originally in the *American Law Review* for Jan.-Feb. is reprinted by permission, in the belief that its discussion of defects in our legal system and of the remedy is of general interest.

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square upon the proposition that law is a part of sociology—a branch of the science of human society. As a branch of that master science, it must harmonize with all facts, material and psychical, within which man finds himself. Second, we shall consider here primarily the teaching of law for practice of the profession of law. This should be remembered, because specialized legal education of high character is now being given by some of the universities in their departments of Political Science. For instance, at Columbia in this department, Constitutional Law, Administrative Law, International Law, Roman Law, and Comparative Jurisprudence are taught,—the first three largely with the aid of case books. And this university announces that one of the definite objects of this department is specific training for public service. Here is a beginning in special legal training for public service which is already vauable, and which, with an extension of the principles of civil service reform, can prove progressively more so. It should be mentioned, though, in passing, that the administrative body is largely supplanting the courts in several areas of jurisprudence, and that separate law-teaching for these branches of legal public service elsewhere than in the law schools, suggests a widening of the gap between the administrative and the common law systems of adjustment, and a stimulus by the form we are giving our educational machinery to the evolution of a dual system akin to that in France and in Germany. Perhaps such a development is coming, but it would seem that if our common law system can be brought to serve efficiently the cause of progress, such a splitting of governmental functions may not prove necessary; that by a better co-ordination between the function of expert dealing with fact on the one hand, and the function of expert determination of law on the other hand, it may be possible to preserve the essential unity of our legal system; and that any settled policy of educational segregation with reference to the two systems at this time may be premature and unfortunate. Furthermore, it would seem certain that to the extent that civil

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service reform reaches higher administrative officers, public attorneys and the bench, specific work of preparation for these positions should be carried on in law schools if they can be brought to adapt themselves to such particular needs. But this is parenthetical, especially because any realization of the potentialities of the law school, as such a training ground for public service, must come after legal education has solved the problems which we are about to consider. The training for the legal profession under present conditions is the subject of our discussion.

In these limits we shall deal only with the university law schools for this reason: In the forty-nine states the tests for admission to the bar vary, from the stiff requirements of New York, calling for four years of preparation, to the certificate of good moral character, which in Indiana still admits an applicant who has never opened a law book. Although many a poorly trained lawyer of native ability rises to a most honorable pre-eminence, it must be conceded that in states having slack standards of admission, the public is exposed to an annual invasion of young pirates who inevitably form some proportion of men so admitted, and who are totally blind, ethically and intellectually to the deep significance of the profession in which they are to win their bread and butter. Largely because of the low standards of admission, only about 8,000 out of approximately 30,000 students studying law in the United States to-day are in the university law schools. It is safe to predict that when, through changed methods of teaching, the university-trained lawyer has begun to justify himself socially, and when the American people have recognized in bad legal training an unreckonable burden in social cost, and a real source of public danger, high standards for admission to the bar will be established. At present the low-grade lawyer in our state legislatures is the principal enemy of higher standards, but the public will sweep him aside when it understands the issue.

When we consider that there is only one lawyer to every 800 inhabitants in the United States, we may wonder some-

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what at the power which he has exerted. But his opportunities have been quite unique. He has come to exercise this power in the thousands of personal contacts incident to the practice of his profession, and in the publicity which he has enjoyed as the traditional community spokesman; again as a judge; finally as legislator and as executive, his ideas have for generations determined the form of the imperative, or statute law, and the spirit of its enforcement. Certainly then by socializing the lawyer we shall greatly re-enforce and develop efficiency in the making and administration of our law.

But the influence of the bench and bar has steadily declined in America. Outside of certain relatively prosperous groups in the community, the lawyer is generally suspected and disliked; and he knows it. Let it be known that the lawyer favors a legislative measure, and the farmer, labor representative, and small merchant conspire to kill it. The free press and the people are often found opposing lawyers, on principle, for public office. What is more serious, the lawyer's personal honesty in his profession is under widespread suspicion. According to Bryce,[2] this feeling against the lawyer was already strong a quarter of a century ago; it is undoubtedly more acute to-day.

But the decline of lawyers in public esteem has its cause far deeper than in any moral shortcoming of the lawyer. It lies in the history of the common law, in the unescapable psychology of defective principles which have been allowed to survive, to gain headway in the system, and to overgrow it in many places. The changed position of the lawyer is but the symptom of social diseases in our law.

Let us briefly identify the most marked of those disorders with a view to diagnosis and to social prognosis.

First we come to the juridical misfits due to the fact that most of the principles of contracts and torts were evolved in a crude industrial stage, and developed under a purely individualistic idea of law. The concentration of industrial

[2] *The American Commonwealth*, 2nd Ed., Vol. 11, pp. 497–510.

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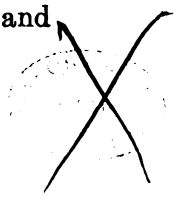
processes, and the new conception of persons as members of industrial and economic groups, have brought many of these old common law principles into sharp antagonism with newly entrenched norms of morality. But the courts have persisted in applying their individualistic principles of a bygone era. For instance, the fellow servant and contributory negligence doctrines evolved in the small hand-labor shop of medieval England were applied with abstract pedantry to the great establishments of to-day where hundreds work together in jungles of whirring and pounding machinery. This is typical of many failures of our legal system in matters of social justice affecting the worker and the consumer. It will take time for us, through the course of labor legislation upon which we have now entered, to undo the multitudinous injustice and cruelty wrought by two generations of judges who have not had public vision enough to see that the old rules were inapplicable to modern conditions. Legislation only can cure such deep-rooted growths, and it has encountered, and will still encounter, the obstructive intellectual hostility of many courts.

Our criminal law does not take cognizance of important classes of acts which should be punishable. In its old areas it has been at many points for upwards of a century at distinct cross purposes with social justice and public policy even as popularly conceived. Modern criminology and penology have proved to us that many of the old criteria of responsibility for public offenses, and of the modes of punishment, must undergo complete reconstruction. But, generally, judges and lawyers have been helpless before this mounting problem, because they have had no grip upon its scientific bearings; they have often unconsciously sought to escape from it, shielding the accused by creating exaggerated technicalities of criminal procedure, which have in turn demoralized the entire administration of criminal justice.

A further disorder of our law, although not involved in the social conflicts of the present time, is so pervasive, and



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of such a character as to raise distinctly the issue of social justice. The major part of our private law is still largely removed from the social disturbance due to economic changes, and to scientific realizations. Many fields of torts and contracts, of real and personal property, of taxation, of wills, corporations, banking, equitable rights, suretyship, agency, insurance, partnership and other topics, are as yet untouched by social dynamics. There are in these fields, it is true, rudimentary and illogical principles commercially inexpedient, or ethically retrogressive, which rise up to plague sound public policy and valid juristic development; yet on the whole, these fields present to modern formulation a great methodic body of principles rich in intellectual distinctions, and vigorous in reasoning. But even here keen pedantry of lawyers absorbed in the game of litigation, possessed by what has been called "a sporting theory of justice,"[3] have entangled justice in the thickets of procedural technicality. These technicalities waste unreckonable time of parties and witnesses, produce ruinous delays, and enormously increase the cost of litigation. They frequently result, after months or years, in a case failing to be heard at all upon its merits. They have helped to produce a prevalent belief that the poor man has no chance to get justice in the courts.

The jury was fastened upon us as a bulwark of individual liberty by our Federal Constitution. Since then, England, which gave it to us, has herself largely abolished it in its Judicature Acts. A treatise could be written about its unfortunate effect in America, both upon court procedure and upon the law of evidence.

The law of evidence, although an admirably refined body of logical tests for different kinds of evidence for its probatory value, often seriously obstructs justice. Applied under the jury system now in use in most of our state courts, the law of evidence would seem to be based upon the theory that the law is to be administered by a jury

[3] See "Causes of Popular Dissatisfaction with the Administration of Justice," by Roscoe Pound, *American Bar Assn., Proceedings* 1906, Vol. XXIX, p. 395.

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with an abstract knowledge of life, and no knowledge of law, and by a judge with an abstract knowledge of law, and no knowledge of life. Juries, on account of their assumed incapacity for appraising testimony, are often called upon to decide cases without having been acquainted with essential facts; and courts, because of their assumed inability to guide juries safely in their conclusions on the facts, are frequently compelled to deliver instructions so abstract and so complicated that juries disregard them as being practically unintelligible. This impossible result could have grown up only under a scholastic, individualistic conception of law surviving into modern industrialism. Justice to be justice must deal wisely with all the facts. Professor James Bradley Thayer,[4] nearly twenty years ago, advocated a statutory simplification of the law of evidence, and more recently, Dean Wigmore[5] has reluctantly suggested its codification as a possible refuge from its evils. But events have far outfooted any reform in the law of evidence. The class issues of industrial concentration pressingly demanded the specialist before whom all facts could be brought, and by whom they could be wisely evaluated. A result has been the creation of the railroad and public utility commissions, the Federal Trade Commission, the industrial and workmen's compensation boards, and other administrative bodies; and the statutes creating these administrative bodies are undertaking to provide that conclusions of fact of the specialists serving upon them are binding on law courts which come to review their decisions. Dean Pound has pointed out a tendency of the administrative bodies themselves to adopt a technical court procedure, and to apply the ordinary rules of law.[6] But whether he be called in the end an administrative official, a court-commissioner, or a judge, it would seem certain

[4] "The Present and the Future of the Law of Evidence." 12 *Harvard Law Review* 70 (1898).

[5] Section 8 of Introduction to *Treatise on the System of Evidence in Trials at Common Law*, (1904).

[6] "Justice according to Law" pamphlet, p. 42; reprinted from *Columbia Law Review*, Dec., Jan., and Feb., 1913–14.

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that the judicial officer who is an expert on special departments of fact has come to stay, and that he will occupy a growing field of judicial activity with a final status eventually for his conclusions of fact.

Summing up, then, the chief defects in our legal system, —first, its inability to adapt itself to changing standards of public policy; second, its procedural vices, and third, its obstructive law of evidence,—we find that they seem to be an inevitable result of the aloof scholasticism of the lawyers which disables them from visualizing concretely the working of the principles which they create.

But the argument is made that the defective principles of the system became fixed in rudimentary form in its early stages, and that, owing to our rule of *stare decisis* ("to stand by the decisions"), they had to persist, pernicious though they might be; that consequently, the chief failures in our legal system are a necessary result of the principle of *stare decisis* and not of the impenetrability of lawyers and judges to changing public standards. This argument is heard so often from critics that it becomes perhaps the crucial point in any preliminary fight for the effectualization of our law. There prevails an impression among laymen which is to be found largely even among lawyers, that the principle of *stare decisis* necessarily presents the great social stumbling-block of our Anglo-American law. But this impression is erroneous. There is, strictly speaking, no such principle in the common law as *stare decisis*. Like many a catch-phrase, it is harmfully deceptive, because it suggests only part of the rule. For the correctness of this statement, we have perhaps time to quote from expressions uttered a number of years ago by two eminent authorities who may each be regarded as distinctly orthodox. The late Professor John Chipman Gray, after making an historical survey of the status of the precedent, drew the following conclusion:[7]

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[7] "Judicial Precedents. A short study in Comparative Jurisprudence," 9 *Harvard Law Review* 27, (1895).

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". . . the rule of the common law is that aside from their intrinsic merits as the expression of the opinion of able and learned persons, the actual decisions of a court are of great weight with that court and all co-ordinate courts, and are absolutely binding on all inferior courts. It seems impossible to give the force of judicial precedents in the common law more exactly; they have great weight, but not irresistible weight. Their decisions can be (and I mean can be, according to the theory of the common law) overruled or not followed. Any attempt at more precise determination would result simply in a theory by the particular writer as to what would be desirable rules, and not of what are in fact the principles which govern."

Judge T. M. Cooley, in discussing the force of precedent, said:[8]

"It will of course sometimes happen that a court will find a former decision so unfounded in law, so unreasonable in its deductions, or so mischievous in its consequences as to feel compelled to disregard it. Before doing so, however, it will be well to consider whether the point involved is such as to have become a rule of property, so that titles have been acquired in reliance upon it, and vested rights will be disturbed by any change; for in such a case it may be better that the correction of the error be left to the legislature which can control its action so as to make it prospective only, and thus prevent unjust consequences."

We may, therefore, say that the principle of *stare decisis*, if properly stated, would be: "Stand by the decisions unless they are, or become, manifestly inexpedient."

The institution of the precedent is uniquely fixed in the Anglo-American system of law; no other legal system gives it so high a place. It came into use by chance in the century following Magna Charta as a weapon for the King's courts in his struggle against the barons and the Church;[9] but with its qualification it has lent to the common law its two towering qualities—first, its vigor derived from the continuous refreshment of its basic principles, and second, its flexibility, resulting not only from its power to evolve new principles based on distinctions, but also from its power to overrule pernicious precedent. Far too little

[8] *Constitutional Limitations*, 7th Ed., p. 86.

[9] James Bryce Address, "The influence of National Character and Historical Environment on the Development of the Common Law," *American Bar Assn.*, 1907, Vol. XXXI, p. 444.

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attention is given by the bar to the great masses of juridical wreckage strewn along the pathways of the common law. There is a sort of pathology of the overruled decision which should be made part of the mental equipment of every lawyer who is sent out from the schools to practice and to judge. Professor Williston's recent suggestion in a profoundly sane address,[10] that the practicing lawyer is apt to be a defective teacher because "the doctrine of *stare decisis* binds him too firmly," is a confirmation of this statement. In earlier times, although the precedent was perhaps theoretically stronger than to-day, reported cases were few, so that there were many arguments of counsel and opinions of courts in which the ship of reason and of principle still sailed under full canvas gloriously through her troublesome sea of fact. To-day, when thousands of adjudged cases are issuing each year in the reports, she sails timorously with shortened canvas, convoyed successively by precedent on precedent, and is finally even made fast to her moorings by a precedent. Lord Bryce said in this country in 1907:[11] "the maxim 'an ounce of precedent is worth a pound of principle' still expresses the attitude of the profession in England, and very possibly here also." As usual, this wise and courteous observer was right.

Statute, as part of our common law system, will always be a vastly important complement of law built up on decisions, or what has been called judge-made law. Under a rationalization of *stare decisis* and a socialization of legal thinking, our judge-made law will be better able to enforce the moral judgments of the time; and this flexibility of the law will in turn, by sharpening the ethical sense with which business is conducted, tend to obviate both the danger of illegitimate judicial legislation, and the necessity for legitimate statutory law. But, as Dicey points out,[12] judge-made law has the inherent limitation that it cannot openly

[10] "The Necessity of Idealism in Teaching Law," *American Bar Assn.*, 1908, Vol. XXXII, p. 780.

[11] Address mentioned above; *American Bar Assn.*, 1907, Vol. XXXI, p. 444.

[12] A. V. Dicey; *Law and Opinion in England*, Appendix, Note IV, p. 486.

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create a new legal principle, but must always deduce a new principle from one already established. Furthermore, judge-made law may, through a long course of precedents in some field of rights, wall itself in by a structure of principles from which there is no escape except through statute. Again, statute only can carry with quickness and consistency a newly admitted moral idea into a diversely applied principle of law. Therefore, legislation will always be needed at some points to make our private law function properly. It is certain, however, that much legislation of the past would never have become necessary if courts had been alive to sound public policy.

We can surely conclude that the principle of *stare decisis* did not necessitate the development of the present evils in our legal system. The very aloofness of legal tradition and training from the facts of life constantly allows the *stare decisis* idea to have larger sway than even the common law system theoretically allows to it. In other words—*stare decisis*, is, on the whole, rational enough in theory; it needs to be rationalized in practice. And even when the limitation of the power of precedent is understood, judge and lawyer are often incapable of visualizing actual conditions, and of sensing those pressures which would tell them when a principle of law procedure or evidence is, to use Judge Cooley's words, "so mischievous in its consequences" as to compel its repudiation.

Are we not, then, in a position to re-state the conclusion at which we arrived before being confronted with the effect of *stare decisis*,—that the evils of our legal system are not to be traced to ethical perversion in lawyers and judges, nor to any perniciously obstructive element inherent in the system itself, but mainly to the social astigmatism of the lawyer?

Mr. Justice Holmes suggested the vital importance to us of the judge with an alertness for public welfare implications when he said:[13]

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[13] *The Common Law*, pp. 35, 36.

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"The very considerations which judges most rarely mention, and always with an apology, are the secret root from which the law draws all the juices of life. I mean, of course, considerations of what is expedient for the community concerned. Every important principle which is developed by litigation is in fact and at bottom the result of more or less definitely understood views of public policy; most generally, to be sure, under our practice and traditions, the unconscious result of instinctive preferences and inarticulate convictions, but none the less, traceable to views of public policy in the last analysis."

But, as there suggested, such a fortuitous and socially subconscious method of development for our legal system based on instinct and inarticulate convictions, is exactly the method which we must avoid in the future as far as possible. It has led in the past to periods of prostration of law due to destructive cumulations of injustice; it has resulted in the evils which we have just been considering and which to-day are blunting many of our best aspirations. No applied art can longer proceed unconsciously. The conclusions of science are moving resistlessly into every department of thought; they must claim in the end the entire art of the adjustment of human rights.

The lawyer and judge of the future must have a thorough grasp of sociology, economics and legal history. They must have a deep sense that law is an organic body of thought tending constantly to perfect itself as the means to an end. They must stand consciously ready in any legal cause, subject to a true appraisal of precedent, articulately to call into operation "the unrecognized principle and the half-recognized principle." They must be the leaders, when judge-made law has exhausted its possibilities in any field, or when fixed and valid considerations of public policy demand new principles, in creating statute law to meet the new necessities. Such a mental attitude cannot conceivably be taken on at the bar.

This means that if our common law system is to serve the future safely, legal education can no longer be only legal education. The socialization which the lawyer needs must, in a man's youthful formative time, be wrought into

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the very fibre of his thinking. And that is the work which confronts the universities.

The American university law schools have begun to see their task. But a first condition to constructive reform is a plan. The Langdell case system of law teaching under which the student learns principles not from text books, but from analysis of actual decisions, has brought us a generation of great teachers. These legal scholars, for the first time, have been reducing the immense mass of decisions under the various topics of the law to a body of formulated principles, at many points inconsistent, but on the whole capable of being wrought into a coherent structure. Systematization of the theories of the common law, and the production of abler lawyers,—these have been the main fruits of the case system up to this time. But in the best schools, almost up to the present time, little or no attention has been given either to the history of the life and thought in which the law germinated and grew, nor to the philosophical basis or purpose of law, nor to a comparison of legal systems which would have brought with it a direct examination of *stare decisis*, and of the principles of legislation. A dozen years ago under Dean Wigmore at Northwestern, there were introduced lectures and prescribed reading in legal history and philosophy and comparative jurisprudence throughout the three year course, on which work examinations are held; but this example seems to have been followed only to a very limited extent by a few schools. In the Northwestern school we find Legal Ethics being taught to-day, not as an optional course, as in most other schools, but as a prescribed course. These features of the Northwestern University Law School seem to be the high-water mark of adjustment, by catalogue at least, through specific and prescribed courses, to the changing ideas in legal education for the lawyer's degree. Among the first-class schools one finds new and significant courses in the third year, but these are elective, not prescribed. Thus at Northwestern again, Criminal Procedure is taught in connection with Healy's study of "The Individual Delinquent";

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there are courses in Jurisprudence and in the Evolution of Law; and a course on Problems in Contemporary Legislation is given under Dean Wigmore. At Michigan there are courses in Jurisprudence, Procedural Reform, and Theory and Practice of Legislation; at Columbia, English and European Legal History, Roman Law and Modern Civil Law. But the pressure of work in the strictly professional courses allows to the undergraduate only a limited use of these elective opportunities. Several of the first-class law schools, within the past few years, have established a fourth year postgraduate course which offers studies of this character for a higher degree.

In a series of addresses and of articles written for legal journals during the past decade, Dean Pound of Harvard has, as a leader, expounded the sociological conception of law evolved by European thinkers, and has argued powerfully for its application to our legal development. His ideas have stirred legal education into a ferment of self-analysis, and have profoundly interested the best opinion at the bar. In general, thus far, he has confined his constructive pedagogical suggestions for teaching law school undergraduates to emphasizing the need for a new attitude of the law teacher in examining cases in the classroom. Although the Harvard Law School offers to postgraduates thoroughgoing cultural work of the character just mentioned, it does not prescribe any of such work in its curriculum for the LL.B. degree, and affords to the undergraduate small opportunity for including it by election without prejudicing his professional preparation.

Unquestionably, the problems of adjustment in legal education to the sociological conception of law are extremely difficult to solve. In the first place, the law schools are compelled to turn out lawyers who can practice law successfully; and the essentially professional courses alone, as at present conducted, require a high pressure of work for the entire three years. To add an additional year to the course has its distinct disadvantages, the main one, perhaps, being that every year of student life, after the

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age of twenty-five, tends seriously to impair a man's capacity for personal adjustment, which is an immensely important element in most successful legal careers. Even in Germany, where legal education runs a course of eight years, the average age for admission to the bar seems to be about twenty-five years.[14] But the Legal Education Section of the American Bar Association in August, 1916, went on record in favor of a four year preparation for the bar, the last year of which must be passed either in a legal clerkship, or in postgraduate work in an approved law school. Strong opposition to this four year plan may be expected to develop, especially from those who believe that the number of cases covered in class could be greatly curtailed in some of the professional courses without impairing the efficiency of the case system; and that time saved by such curtailment would afford opportunity not only for the wider public-policy consideration of legal principles incident to the discussion of cases, but also for the new courses in legal history, comparative jurisprudence and legislation.

There is surely much force, too, in the contention that the desired mental attitude for the lawyer of the future cannot be successfully laid on in a supplementary fourth year, as a veneer; that it must be made part of the inner grain of the student's legal thinking; and that this process must mainly be incidental to the consideration of cases in the strictly professional courses. The intellectual horizon and the personality of a really significant teacher in such handling of the professional courses certainly must impress deeply the minds of many of the students. But it must be doubted that the average law student without a foundation of training in social sciences is capable of doing his own thinking in such classroom discussion. Co-ordinating with this view, is the strong emphasis laid to-day by some of the universities upon their "pre-legal" courses not in legal subjects, but in history, economics, sociology and

[14] Karl von Lewinski, "The Education of the German Lawyer," Address, 1908, *American Bar Assn.*, Vol. XXXII, p. 814.

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philosophy. This would seem to foreshadow a system of legal education in which the university student in his junior, or even in his sophomore year, must make his definite vocational choice of law, and complete the pre-legal courses as a condition to his admission to the law school. Let it be said here that methods in the colleges of teaching history and economics in turn need the sociological touch, in order that the pre-legal work there shall realize its full purpose. History needs to be made more of a subjective study in social evolution, and economic theory needs to be pursued more from the standpoint of its successive philosophical backgrounds. There can be no doubt that pre-legal training in the colleges can largely enhance the value of the new teaching to be done in the law schools, whether where cases are to be tested in the light of public policy, or where a synoptical and critical review is being given of the development of law in the light of public policy, or where comparative law and the principles of legislation are being studied. It is to be hoped that by the compulsory pre-legal work in the colleges, which would greatly accelerate the student's processes of absorption in the law school, and by a reduction in the number of cases examined and discussed in class, the necessity for the fourth year in the law school course can be averted. If it must come, it had better be carved out from the college course than be taken from the lawyer's years of practice. But all other considerations must adjust themselves finally to the irresistible demand for the new legal education.

While thinking of to-day's problems, we have been discussing what our law needs. Ahead of us are problems still more crucial and complex; their legal solutions may perhaps be neither individualistic nor collectivistic, but they must be applications of a public policy scientifically conceived. The questions of centralization and co-operation alone, together with the further advances in science, will overturn many established standards of thought, and will call for our every power of vision and adjustment. Our legal house must be in order. The public and the university

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administrators should urge the leaders in legal education to work out their new system with as little delay as may be consistent with soundness, and should then stand ready to support it. Heretofore the law schools have been mainly the recorders and systematizers of the law. Let them not fear to enter a larger field. Let them define and promulgate principles for the status of the legal precedent, and for the policy and technique of legislation. Let them, as a combined group of constructive thinkers, formulate and propound to the bar and to the legislatures statutory reforms of procedure and of evidence. Let them by the sociological, scientific method become, through their graduates at the bar and on the bench, the creators of a common law system capable of developing in closer responsiveness to shifting conditions and changing standards. Here they have a far greater task and opportunity than had the great codifiers or clarifiers of legal principle, the Babylonian lawyers of Khammurabi, or the advocates and teachers of Justinian; for they are called upon now, not to crystallize or to formulate law, but to instill into it the active germ of a conscious, creative evolution. It is a great ideal, and it may not be wholly attainable; but in the light of it, the American law school, without prejudicing its immediate function as a professional school, can become a mighty agent of progress.

LOUIS B. WEHLE.

LOUISVILLE, KENTUCKY.
November, 1916.

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ART AND RELIGION.

JAMES H. LEUBA.

AESTHETIC enjoyment and the art impulse have been associated with religion at almost every stage of its development. Crude artistic efforts appeared in connection with early religions in magico-religious dances, dramatic ceremonies and the making of fetishes. Greek religion and plastic art grew simultaneously, and in the hymns sung at the feast of Dionysos, Greek comedy and tragedy found their origin. Under the stimulus of religious inspiration, painting and architecture reached in the fifteenth and sixteenth centuries a beauty and an impressiveness hardly again attained.

In the discussion of the connection of art with religion one may rule out once the supposition that one is necessary to the other. Sufficient proof for this is to be found in those types of religion which repudiate æsthetic attractions. What, for instance has art to do with the worship of the Friends? They value simplicity, dignity, solemnity; but they tolerate no architecture, no statuary, no pictures, no music.

Although the art impulse does not aim at the production of things of common utility, it is at first unavoidably connected with necessary or at least useful objects. As a matter of fact, it is only among civilized peoples that purely artistic creations exist: to create a beautiful object merely out of the desire to express oneself beautifully is a mark of a high degree of culture. In primitive life, art is in every instance an accessory, an adjunct of the useful. The art impulse was enticed into expression by the presence of objects produced under the compelling pressure of urgent needs. The arrow which gives death in order to preserve life offers its surface to the active hand in a moment of idleness, and decoration is born; the magic dance which assures

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the success of the warriors reveals the delight of rhythmic movements, and artistic dancing comes into existence.

Religious ceremonies are among the useful activities which offer an opportunity to the art impulse. One may therefore expect art to accompany religion just as it accompanies arrow and pottery making. But let it be observed that clothing religion in beauty was not in early times intended as a lure by those interested in its success. Later, however, when men were more self-conscious and more sophisticated, the association of art with religion may very well, here and there, have become a policy. A more or less clear consciousness of the value of art to religion has, no doubt, been operative in producing the magnificent pageantry of the Roman Church. So much one may fairly admit without agreeing with von Hartmann when he maintains that "the admission of art into religious services has never been anything else but a secular bait to entice the great mass of persons, in whom the religious sentiment has not been strong enough by itself, to support and prolong much devotion and contemplation without the aid of such external means of excitement." How inadequate and unjust this opinion is, becomes evident as soon as a psychological examination of the relation of art to religion is undertaken.

The natural tendency to beautify religious objects and rites or, more generally, to give æsthetic value to whatever is brought into existence because of its utility, is closely related to the propensity of rendering enjoyable any pursuit in which one may have to engage. Does not the man from the country who comes to town on business usually contrive to make the trip a pleasure one? Everywhere religious ceremonies have served as a nucleus about which were gathered attractions of the most varied kind, above all, those dependent upon a concourse of people. Jane Harrison tells us, for instance, in *Prolegomena to a Study of Greek Religion* that the religious ceremony called *Anthesteria*, celebrated in honor of Dionysos, lasted three days. On

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the first day they broached the new wine and made an offering to the god. "The casks once opened, the revel set in and lasted through the next day and on to a third." On the second day took place the august ceremony of the wedding of the wife of the King Archon to the god Dionysos. On the third day there was a dramatic contest. "It was in intent a three days' fair. A 'Pardon' in Brittany of to-day affords perhaps the nearest modern analogy."

The desire for enjoyment favors the more attractive religions at the expense of the less attractive. If one is to labor for the salvation of one's soul, why not give the preference to an effective religion which is at the same time beautiful? Frederic Bastiat, a distinguished convert to the Roman Catholic faith, exclaims, "For the rest, this religion is so beautiful, that it seems to me possible to love it so as to attain happiness in this very world." To one as sensitive as Bastiat to æsthetic impressions, attending church may be worth while even though nothing should be further from one's mind than religion.

Among the answers I received to a *Questionnaire* regarding religious life, several express a preference for the Episcopal rather than for the Presbyterian church "because of the æsthetic pleasure derived from the service." Fine music, imposing architecture, beautiful pictures, are frequently mentioned in these documents as reasons for church attendance. One writes, for instance, "I prefer a religious service of much formalism. I have no religious feelings in public except as I am surrounded by the noble in architecture, in coloured glass, in the pageantry of the church. I have knelt at some shrine in walking through the country abroad with religious feeling, and I have done likewise at some altar in a cathedral. I prefer the Romish worship to any other on this account; but I refrain from having anything to do with it because I think it dangerous to liberty." Perhaps the "religious feelings" above mentioned represent merely an æsthetic emotion. Those persons are not rare, who, keenly sensitive to beauty and indifferent to religion in the proper sense of the term, imagine that the delight they find in

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beautiful religious ceremonies is a religious experience. They are like the color-blind who use names of colors they do not perceive. This may be true of the person whose only "religious" experiences come to him through music: "Sacred music affects me powerfully. It is physical pain and sweetest rapture—causing extreme exhilaration and depression."

The æsthetic charm of the Anglican service is admirably conveyed in the following passage from Coats' *Types of English Piety:* "A characteristic feature of sacerdotal worship is its whole-hearted delight in symbolism and love of art." "When a Church of England service is well rendered, dull indeed must be the soul that would fail to worship. The stateliest architecture, the sweetest and most solemn music, the chastest language, the goodliest vestments, the most seemly postures, and the most suggestive ceremonies are all brought into requisition to assist the sluggish soul in its flight toward God. Surely, if a man's spirit could take wing above the earth, it would be under these conditions. The eye is wooed heavenwards by soaring columns or by storied glass. The ear is won by melodies that either melt to penitence or stir to praise. The statues on the walls or the brasses beneath the feet speak of the sainted dead, and beckon to those good things whereto they have attained. Even the reverberating echoes and the restful shade invite the tranquil thoughts and solemn vows. . . . It is not surprising that a worshipper accustomed to this kind of devotion, with its rich and multifarious sensuous appeal, should regard with infinite pity and even scorn the bare and jejune worship of Evangelical Protestantism. How naked and graceless and irreverent it must appear."

Emotions and especially those produced by great and magnificent scenery favor the naïve, animistic interpretation of nature. There are persons who at the sight of Niagara Falls have to restrain themselves from kneeling down. These get their most vivid religious experience

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from "the panorama of nature's great and impressive powers, lofty peaks, fertile valleys, parched deserts, mighty streams, deep canyons, active volcanoes, and not least, the swaying, struggling conglomeration called humanity."

The religious influence of such objects is in great part due to the disorganizing effect of emotions upon the mind. The first and immediate result of an emotional seizure is to interrupt the reigning train of thought, to displace the reflective attitude and the recently acquired knowledge which make possible the mechanical interpretation of nature. The mind relaspes to the animistic, the pre-critical standpoint. The noises of the forest may become the voice of God when awe and reverence have taken possession of the soul. The very fluttering of the leaves which in a sober, critical mood would suggest merely the action of a breeze, may seem charged with a divine intimation. This after all is no more surprising than the sudden appearance of the burglar in the mind of one hearing in the dead of night unaccustomed noises. Religious biographies abound in illustrations of the advantage religion gains from emotional disturbance. Here is one example taken from *A Modern Pilgrim's Progress:* "In times of deep fear or trouble I forgot all about philosophy, ignored all evolutionary theories, and cried aloud to the God of my childhood. On one occasion I remember being sore pressed by a great trouble which threatened to crush out all the joy of my life. All night I paced up and down my room, dreading the news the morning light would bring.

"I had prayed and no help had come. In my room was a picture of Raphael's Madonna, and as I stood before it, in my despair, there came the thought of the millions who sought Mary's aid. Kneeling I implored her, if she really existed and had power, to use it on my behalf. Morning dawned, and, worn out, I fell asleep kneeling on the ground."

In so far as the domain of art lies in the sphere of feeling and emotion, reflection is antagonistic to art. The most dangerous enemy of artistic creation is the critical habit of

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thought. It is also the most dangerous enemy of those religions which have lagged behind the knowledge of the times.

The Greeks conceived their gods as perfect in form, and thus they tried to represent them. As perfect plastic beauty was one of the gods' chief attributes, an Athenian could hardly think of beauty without his thoughts ascending to his divinities. But even when the anthropomorphic conception of God is rejected, plastic beauty may have for some a religious value. In his *Entretiens sur l'Art*, Auguste Rodin says of the three goddesses of the Parthenon, commonly called the Parcæ, "We see here merely three women seated, but their attitude is so serene, so august that they seem to be part of something enormous and invisible. Above them hovers the great mystery: Reason, immaterial, eternal, to which all nature obeys and of which they are themselves the divine servants."

The Christian God shorn of plastic beauty acquires that of moral perfection. He is the Infinite One in whom all discords are harmonized. The close connection that exists between the emotions awakened by beautiful objects and by this higher idea of the divine, is clearly realized by several of my correspondents. One writes, for instance, after stating that the emotion produced by beauty is not a religious emotion, "In so far as beauty and harmony form any part of the ideal, and in so far as natural beauty affords any impulse toward higher living, toward the realization of the ideal, I believe that I should class those æsthetic thoughts as religious."

Not only are the impressions made by the beautiful and by the idea of God in some respects similar, but the attitudes of æsthetic enjoyment and of religious adoration are themselves substantially alike. "The attitude of mind which one must gain, if one is to appreciate æsthetic works, is an attitude of receptivity, and almost altogether of passive receptivity, an attitude of watching for effects from without, of absorbed attention to these effects. In the

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thorough enjoyment of powerful æsthetic effects, we stand 'entranced,' as the saying goes." The expressions "passive receptivity" and "absorbed attention" used by Marshall in describing the state of artistic appreciation, are the very ones by which the Mystics describe the state of union with God. The close resemblance between the art devotee when absorbed in the object of his admiration, and the worshipper possessed by his God, is not to be gainsaid. Ecstatic absorption in God and the delight of *Einfühlung*, to use the term by which the Germans characterize the æsthetic attitude are, psychologically considered, similar states. No wonder then if art enjoyment and religious ecstasy have been confused.

We may therefore not say, in the phrase of von Hartmann, that in religion art is merely "a secular bait." On the contrary, art is in several ways a natural associate of religion: it is natural for man to beautify that which he must do, or possess, for utility's sake; certain religious conceptions, in particular the god-idea, provide subjects for, and inspiration to artistic creation; the anthropomorphic gods are conceived of quite naturally as beautiful and so also, in a higher sense, the Perfect One; and, finally, the æsthetic emotion is in some respects similar to the emotion awakened by God when he is conceived of as the All-Perfect—absorption in the beautiful and the blissful communion with God have essential elements in common.

In some of the relations I have indicated art appears as the helper of religion; in others, art is the dependent partner. The stimulus it receives from religion is peculiarly obvious when one realizes the incentive given the art impulse by the anthropomorphic conception of divine beings. It would have been strange indeed, if the representation of the deities in fairest forms had not been the loftiest aim of great artists.

This influence of religion upon art is, however, not of a kind peculiar to religion. Wherever the springs of life are

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touched, wherever the imagination is fired, art finds its food. In this respect, therefore, art and religion stand in a relation similar to that existing between art and any other impressive activity. To-day, especially in the United States, great material resources, and the manifestations of vast power in machinery, industry and commerce, are frequent sources of architectural and pictorial art.

If art remains in Christian countries an important ally of religion, it has almost ceased to derive support from it. Little would be lost to the art of the nineteenth century if whatever it owes to religious inspiration were to be eliminated. The loss of support is due in part, no doubt, to the disappearance of novelty from the religious objects amenable to artistic treatment; and, to a greater degree, to a loss of those beliefs that were a source of artistic inspiration.

When, despite its value to religion, art is rejected by religion, it is mainly because of certain antagonisms between them. The aim of ethical religion and the purpose of art are, after all, far from identical. It is the fear that the symbol, the image, the form usurps the place of the reality, and still more the protest of the puritanic conscience against the egoistic delight with which the artist is content, that condemn the Protestant to worship within bare walls.

JAMES H. LEUBA.

BRYN MAWR COLLEGE.

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DISCUSSION.

Royce as a Social Interpreter.

In a recent issue of this Journal[1] Professor Bakewell makes the claim that in the ethical idealism of Professor Royce we have an interpretation of the spirit of American civilization. Professor Royce's interests were ethical and logical rather than metaphysical, Professor Bakewell tells us, hence the felt need on his part of a reconciliation between individual independence and institutional authority so urgent in a democracy. He felt constrained to ask how we are to preserve our personal loyalties and yet harmonise them with the ultimate and more comprehensive loyalties that find expression through society. Because this problem and Professor Royce's proposed solution grew out of the immediate social situation in American democracy Professor Bakewell contends we are justified in viewing Professor Royce's work "as an interpretation of the spirit of American civilization."

Stated in this comprehensive fashion it can hardly be said that Royce's problem is peculiar to American conditions. It emerges wherever diverse groups and individuals are forced to live together under common institutions. They become thereby compelled to "comprehend one another, to respect one another, to organize their wills into some sort of universality, to live in spiritual union, to give the common life the most complete wholeness that is possible." It is not the purpose of this paper, however, to discuss the general question of Professor Royce's interpretation of American civilization. I wish to confine myself to one instance offered by Professor Bakewell in support of his thesis, namely, Professor Royce's interpretation of the race question.

Professor Royce was able to supplement his theoretical interest in the race question by repeated trips to Jamaica. He circled the island, visited its ports, walked over its admirable roads, read its official literature, studied the negro peasantry at work and entered sympathetically into the life of all classes of the people. (Royce has set down his conclusions in an essay published in this Journal, "Race Questions and

[1] "Royce as an Interpreter of American Ideals," April, 1917, pp. 306-316.

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Prejudices," Vol. XVI, pp. 265 ff, subsequently embodied in his book *Race Questions and Other American Problems*, 1908. The quotations are from the article.) His conclusion was that whatever the defects of Jamaica "our own present Southern race-problem in the forms which we know best simply does not exist" (p. 272). He found there extraordinarily little race friction. The blacks, while aspiring, are "wholesomely self-conscious." The whites dominate the situation but differ strikingly from the whites of the Southern States in that they are not constantly and arrogantly asserting their superiority. The Englishman "has a great way of being superior without very often publicly saying that he is superior" (p. 275). Therefore, concludes Professor Royce, if ever the Southern race problem is to be solved it must be after the "English way," best summarised in the two phrases, "English administration" and "English reticence."

A careful reading of Professor Royce's essay will show that two assumptions underlie all that he has to say. The first is that race-prejudices and antipathies are "human illusions," the second is that conditions in Jamaica are for all practical purposes so closely akin to those in the Southern States that we may safely draw parallels between them. Let us consider this last assumption first. The sheer fact that only two per cent of the 800,000 Jamaicans are white apparently should have warned against drawing parallels with American conditions where such a percentage is nowhere approximated even in the "black belt." Moreover the peculiar position of this two per cent of whites who "predominate in the governing and employing classes and as merchants and planters lead and direct the industrial life of the island" (Oliver, White Capital and Coloured Labour," p. 34) at once places them in a legally recognised status apart from the black which makes race friction practically impossible. It is an interesting fact that the least race friction in the South is to be found in those sections of the "black belt" where the blacks outnumber the whites often fifteen and twenty to one and where, the war amendments and bills of rights to the contrary notwithstanding, the planter maintains a paternalistic regime resembling in many ways that of Jamaica.

Furthermore any comparison between Jamaican and Southern conditions must recognize that Jamaica has never known anything approximating democracy in the American sense. Apart from the Gordon riots of 1865 there has never been a time when

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the white was not both *de facto* and *de jure* ruler of the island. The charming "law-abiding and contented" character of the Jamaican negro so admired by Professor Royce grows out of this benevolent paternalism of English rule. Professor Royce failed to see that for this reason the Englishman can afford to be "reticent"; he has no reason to assert his authority. It is guaranteed by the laws and institutions of the island. To reason, therefore, from the stable and legalised white superiority of Jamaican society to the unstable and illegal restrictions of the "color line" by which the Southern white attempts to maintain white supremacy without institutional sanctions and in the face of the most radical form of democracy is to say the least to ignore the facts.

Professor Royce was impressed also by the "rich social differentiation" among the black population of Jamaica who share in the government service, in the professions and smaller trades besides filling the ranks of the hewers of wood and the drawers of water. "The social organization of Jamaica," writes a former governor, "is therefore like a pyramid. The whites constitute the apex, the coloured class compose the middle courses, and the masses of negroes make up the broad base" (Livingstone, "Black Jamaica," p. 237). Obviously such a demarcation of classes and groups makes for social stability and tends to eliminate race friction since each group, the ruling white, the negro office-holder or tradesman and the mass of ignorant peasant laborers, occupies a status clearly determined by the institutional life of the island. This situation in no wise parallels that of the American negro who has heard for generations the doctrine of the inherent equality of all men, who in theory at least has been led to believe in his right to all the privileges and emoluments of society on the same footing with the white. Professor Royce, of course, would never have consented to the purchase of an "orderly, law-abiding and contented" spirit for the American negro by sacrificing American democracy to a well-intentioned paternalism. Indeed it may very well be questioned whether present conditions of race friction together with the vast unhappiness they bring to the American negro do not contain the promise and potency of a racial advancement utterly undreamed of by the Jamaican peasant in the contented isolation of his happy, semi-feudal plantation life.

Undoubtedly the humanitarian zeal which led Professor Royce to overlook the fundamental differences between Jamaican and

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Southern conditions also influenced him in his summary treatment of race as a factor in the problem. Royce has small regard for the *Rassentheoretiker* who too often "uses his science to support most of his personal prejudices" (p. 267). He esteems the data gathered from the natural history of the mind or from the physiological differences of men as too fragmentary and untrustworthy to admit of any final conclusion. The science of race-psychology has yet to be discovered (p. 282). His conclusion is that there is "hardly any one thing that our actual knowledge of the human mind enables us to assert, with any scientific exactness, regarding the permanent, the hereditary, the unchangeable mental characteristics which distinguish even the most widely sundered physical varieties of mankind" (p. 284). Suppose all this be granted, does it follow that the so-called race-problems do not exist, or that they are but "problems caused by our antipathies?" Does our ignorance justify the assertion that race antipathies are "childish phenomena in our lives, phenomena on a level with the dread of snakes, or of mice, phenomena that we share with the cats and with the dogs, not noble phenomena, but caprices of our complex nature"? (p. 286).

Obviously we have here the voice of the idealist, of the ardent lover of his kind rather than of the scientist. Race antipathy was undoubtedly particularly obnoxious to Royce. It was the unpardonable social sin since it prevented the moral insight, the spirit of fair play, the sympathy and co-operation absolutely necessary to the attainment of the ideal. He saw in it the concrete embodiment of the cruel and irrational egotism that closes men's hearts to each other and prevents each from entering whole-heartedly into the life of the other and into the life of all. But our idealist who combatted so vigorously the cynical egotism of the *Rassentheoretiker* and the harsher prejudices of the negro-baiter himself fell a victim to another type of prejudice though far nobler and sweeter, namely, the prejudice of the enthusiastic humanitarian in behalf of his own ideals. By categorically classifying all race differences and race prejudices among the "human illusions" Royce became almost as much of a race dogmatist as Senator Vardaman or the *Rassentheoretiker* Gobineau, Ammon, LaPouge and Chamberlain. All the criticisms, therefore, which he levelled with such force against these writers apply just as cogently to himself. To be sure, he has become a *Rassentheoretiker* in the interest of a beautiful and unselfish humanitari-

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anism rather than in the service of the aristocratic Aryanism of Gobineau or the insane German *Rassedunkel* of Chamberlain but his is a *Rassentheoretiker* nevertheless. His sweeping assertions are hardly in harmony with the sober conclusions of science.[2]

There are, of course, many sides to a personality so brilliant and so varied in its interests as that of Professor Royce. He was far more than the professional metaphysician or the acute dialectician; he was also seer and spiritual reformer. I have sometimes felt that in dealing with social questions such as the one under discussion Professor Royce was more of a preacher of righteousness than a careful student of the facts, a champion of our higher spiritual loyalties as he understood them rather than the accurate interpreter of life. The enthusiasm of the ideal emancipated him from the concrete; it carried within itself immediate witness to its truth and worth. "He has in his vision of the ideal, in his moral insight," as Professor Bakewell remarks, "a sure criterion" at least for himself. But this very self-sufficiency of the ideal and its tendency to set the reformer free from the troublesome details of the objective reality inevitably ends by placing him at the mercy of the objective situation itself. Hence the painstaking student emerging slowly from the thick of the actual experience, and impressed with the vast complexity, the stubborn contradictions of the facts is very apt to be out of sympathy with the sweeping apriorism of the humanitarian who strives to "see into life by seeing over it."

JOHN M. MECKLIN.

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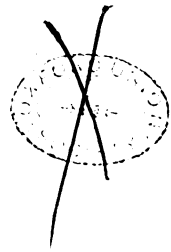
[2] Boas, "The Mind of Primitive Man," p. 115; for other data see Mecklin, "Democracy and Race Friction," Chs. II and III.



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BOOK REVIEWS.

A LEAGUE OF NATIONS. By H. N. Brailsford. London: Headley Brothers, 1917. Pp. viii, 332. Price, 5s. net.

All the great advances in political thought have been due to a clear perception of immediate political issues. Rousseau may have imagined that he was dealing with the eternal nature of the state, but his thought was effective because of the particular issues to which he referred; and Grotius made a law for war because he knew what war then was. Mr. Brailsford belongs to that school of political thinkers whose adherence to principle does not involve blindness to contemporary facts: and although his statements of facts are altogether admirable, we shall presume here that the attention of the readers of the INTERNATIONAL JOURNAL OF ETHICS ought chiefly to be called to the principles of political life with which his book deals. For this purpose one may distinguish the end he had in view from the means he suggests. The end is the abolition of the principle of contending forces in the control of the relations of states. That end is, as Mr. Brailsford calls it, "a venerable hope" and it must be more clearly defined. We desire such a control of the relations of States, one to the other, in order that political issues may be decided by reference to justice and reason rather than further obscured by the arbitrament of arms. And this desire has received the support, not only of thinkers but also of practical politicians who calculate chiefly in the terms of immediate expediency. Mr. Brailsford is able to show a fairly general acceptance of the first principle of political idealism in inter-State affairs. He is aware, however, of the danger of establishing any situation which may prevent change. War has in fact been entered into most often because there was no method by which to change a political situation which had become intolerable. Oppressed peoples are driven to arms when they cannot otherwise shake off their chains: growing nations have often excused their warlike policy by appealing against a *status quo* in which they have had no place. Therefore our general principle must be that we should establish such situation as will allow the legitimate development of peoples to have free play. And indeed, although Mr. Brailsford does not use this argument, war as a method of change should be

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abolished because, as a method, it has failed more often than it has succeeded. But since there is a general agreement as to the purpose we should have in view, Mr. Brailsford gives most attention to the means at our disposal. His review of world-politics is masterly. He is naturally concerned more with European than with other issues; but he does not confuse the proportion of things, and probably his argument gains in force by continual and definite references to the immediate problems of the European War. He analyses the problems of nationality in Europe, the economic problems of the "near East," the method of alliance now used and the sea-power of England. These are the materials with which we have to work in our establishment of order between States. We must deal with men and states as they are in order to make them what they ought to be. And Mr. Brailsford shows that a calm and honest review of the situation does not reveal any external or inevitable sources of war. Nearly all the incitement to war can be removed by political foresight based upon a perception of present facts. But it is foolish to imagine that we can expect Germany to stop extending her trade or that we can call upon England to abolish her fleet. The general method, however, by which all of the facts can be recognised and yet controlled is contained in the phrase "A League of Nations." Some such league must be established; and Mr. Brailsford describes the league he believes to be best. But his purpose is not to maintain one particular scheme against all others; for he deliberately subordinates the details of organization. In the main his proposal is that of the American League to enforce Peace, although he criticises adversely the emphasis which has been laid upon the word "enforce." His chief point is that now is the time. We cannot afford to wait until the end of the war or the "settlement," and then, or in after years, establish a league. The League of Nations must be part of the settlement. Here Mr. Brailsford has to contend with the timidity of the practical politician and the apathy of the general public. One cannot tell whether he will succeed in persuading these: but it is worth trying and his book is certainly an excellent example of sane and persuasive political propaganda. It is more readable than a treatise and less ephemeral than a "war book." It will remain effective when the muddle-headed lucubrations of the world's professors are forgotten and when publishers have ceased to believe that they must find authors in England to prove that

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Germany is vile or in Germany to prove that England is hypocritical. Mr. Brailsford has shown in this book that the best tradition of English political thinking has not been altogether forgotten in the fog of emotionalism which the war has produced.

C. DELISLE BURNS.

London, England.

WAR TIME LECTURES. By Edward V. Arnold, Professor of Latin in the University College of North Wales. London: George Allen and Unwin, Ltd., 1916. 138 pp. Price, 1s. net.

This little volume consists of three short courses of lectures originally delivered to the Workers' Educational Association. The first deals with Trade Unions and Friendly Societies in the Roman Empire, and the second is entitled—"Germany—her strength and weakness." The third arose out of discussions on the first two and treats of Social Organisation for the War. All three have already appeared in *The New Age*.

Professor Arnold has attempted a difficult task with a degree of success which is, I think, very great. He has tried quite dispassionately and without prejudice to explain the attitude of the German mind to *Weltpolitik* and to appreciate how it must have regarded the actual course of the war. He draws a number of contrasts, generally felicitous, between the German and English conceptions of the State, not always to the advantage of the latter. It is much more important to welcome the endeavour to do this sort of thing than to indulge in detailed criticism. No one will agree with Mr. Arnold in every point: but I should imagine that the majority of intelligent Englishmen would have a large measure of sympathy with him.

For the German, the argument is, the State is Power; it is an authority recognised as rightly exercising dominion over its citizens and safeguarding each so that he can look after his own business. Without it life would be nothing at all. The English regard the State as based on free assent: and therefore to the German their State seems weak and incredibly inefficient. Neither party is in the least likely to accept the view of the other, but for all practical purposes the Germans have the advantage of their antagonists, the English having taken a positive delight in accentuating those elements in their State which made it even weaker in practice than it should be in theory. The German

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State, on the other hand, was bound to go to war sooner or later; for satisfactory though it may be as an individual organisation, it can in the end have no relation to others except on the basis of swallowing them up. Its career consists of wars with intervals of peace, and even when it conquers it cannot govern except within its own old natural borders. England's view rests on law and the maintenance of peace, but it cannot make this effective. There can be no satisfactory peace except on the basis of a Balance of Powers. And this is impossible unless we have a United States of Europe.

"Reconstruct Society for the war and when peace comes you will find Society already reconstructed." Mr. Arnold is very conscious of the weaknesses of his country, and happily he sees that they are not where the popular press generally finds them. The dominant positive facts are the Citizen Army and the Trade Unions. The basis of his reconstruction is therefore the National Guild, a notion he has taken over from *The New Age*. Salvation lies in entrusting to the Unions the making of provision for the economic needs of the country, each in its own service: and in maintaining the authority of the State over all. (The relevancy of the first course of lectures seems to be that it furnishes some lessons in Labour organisation on a broadly Guild basis.)

About the whole argument I will make only two remarks. The first is that a United States of Europe seems impossible, and is not demanded by the conditions of the problem. The real need, from England's point of view, is to obtain recognition for the accepted principles of International Law, and this is by no means peculiar to Europe. But it does demand that Germany should be weakened by the destroying of the roots of her policy. I should say that the essential conditions of this are (a) the abolition of the military domination of Prussia and more especially (b) the taking away of the Bagdad Railway from the Central Powers.

The other point is that Mr. Arnold's conception of National Guilds is somewhat in need of correction. A Guild, he seems to think, is a combination of both employers and employed. But surely for Guild Socialism there would be no employers.

M. W. ROBIESON.

Belfast, Ireland.

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NATIONAL DEFENCE: A STUDY IN MILITARISM. By J. Ramsay MacDonald, M.P. London: George Allen & Unwin, Ltd., 1917. Pp. 132. Price, 2s. 6d. net.

Mr. Ramsay MacDonald's essay on anti-militarism covers a good deal of ground. His main thesis is that if there is an army there will be a fight, just as Merimée said that the essential point of a duel is that each party should have pistols and powder. Therefore in the interests of peace, there must be no armies, no preparedness, for "there is no half-way abiding-place between absolute peace and absolute militarism." He is *intransigeant* on the point, and will have nothing to do with Jaurès' famous idea of a citizen army, on the grounds that a citizen army is no more pacific than any other; and that the distinction between offence and defence in war is often obscure, and has often been deliberately obscured in times of national crisis. His chapter on "National Defence and a Citizen Army" is an interesting criticism upon the *Armée Nouvelle* of Jaurès, who believed that "a nation in arms is necessarily a nation actuated by justice and uprightness" and that in consequence it will only engage in wars of defence and of liberty. But a nation in arms thinks more in camps, and obeys the suggestions of militarism more readily than a nation not in arms (p. 35). Universal military training certainly did not raise any barrier against war in France or Germany.

Instead of the existing order of competing alliances in Europe, which cannot make for peace, he looks, like many recent writers, to a federation of nations, linked by open, democratic diplomacy. He differs from one group of thinkers, however, in refusing to admit armed force as a weapon of this new international diplomacy. Democratic organisations of the various nations (labour in particular) are to get together (as soon as peace appears upon the horizon) and confer; and, free from the old traditions and modes of diplomacy, agree about an international action which will be co-operative and "express the really pacific national wills." But he has already told us that the international socialist movement was impotent to prevent war, and that the current down the rapids sped too swiftly since the Agadir incident for any unofficial international pacifist movement to withstand it. Is there anything to show that democratic organisations will have a fuller share of power to-day or to-morrow?

A chapter on "A Democratic Germany and Peace" is a significant warning to those who expect the Germans to translate

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military defeat into a pacific democracy. The Germans may rid themselves of their reigning house, as the French rid themselves of Napoleon III in 1871, without wishing to forget the war.

M. J.

THE WRACK OF THE STORM. By Maurice Mæterlinck. Translated by Alexander Teixeira de Mattos. London: Methuen and Company, Ltd., 1916. Pp. x, 278. Price, 5s. net.

The title of M. Mæterlinck's book is in significant contrast with M. Rolland's, who is apparently above the storm that is shaking the world. M. Mæterlinck is in it; "I tried to lift myself above the fray, but the higher I rose I saw the justice of one cause and the infamy of the other." As a good patriot, M. Mæterlinck for the first time utters words of malediction, for in rejecting hatred he would have "shown himself a traitor to love." The volume contains all the essays published and all the speeches delivered by M. Mæterlinck since the beginning of the war; but at the end of the book is printed a sketch in the manner of the Flemish primitives, first printed in 1886, which strikes the reader rather as a make-weight than as a sort of "vague symbolic prophecy of the behaviour of the Germans in Belgium."

Many of the papers are remarkable for the fine yet simple quality of his rhetoric, and when speaking of the dead and the part played by Belgium and Italy in the war. "In Memoriam," "Heroism," and "The dead do not die" will bear re-reading for their compelling eloquence; and as such effective rhetoric does not flourish in England or America, we welcome it in M. Briand's speeches, and in M. Mæterlinck's writings. In the essay called "The Will of Earth," he gives us a new theory. Earth, or Nature, he tells us, is not infallible; it openly favours brute and physical force, while the will of humanity (or at least a portion of humanity) seeks to set up an empire of more subtle and less animal forces. Hitherto Earth's will has always won; but now "the adverse will is encountering an unexpected and unsurmountable resistance. If this resistance, as we can now no longer doubt, maintains itself victoriously to the end, there will never perhaps have been such a sudden change in the history of mankind; for man will have gained over the will of Earth, or Nature, or fatality, triumph infinitely more significant, more heavily fraught with consequences, and perhaps more decisive than all those which, in other provinces appear to have crowned

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his efforts more brilliantly." The same theory is developed in the "Hour of Destiny,"—Fate has been preparing through the ages the destruction of civilization by the Germans—a horde of barbarians—but behold, at the critical moment civilization defied the decree of Fate, and "the unacknowledged desire of the planet"—the Immanent will, in Thomas Hardy's phrase,—is in process of being brought into subjection by the will of man.

M. J.

POVERTY AND RICHES. A Study of the Industrial Régime. By Scott Nearing, Ph.D. Philadelphia: The John C. Winston Company, 1916. Pp. 293. Price, $1.00 net.

In this book Dr. Nearing reviews the whole modern industrial system from the point of view of its significance for the very poor. If there is any one to whom it has never occurred that the growth of the machine process has brought into existence a series of terrible problems arising from the bitter poverty of the lowest industrial classes—he would do well to read this book; for with its vivid descriptions and startling statistics of the inferior position of the laboring classes, well illustrated by a series of photographs in which the living conditions of the very rich and the very poor are brought into striking contrast, the book is certain to make a strong appeal to the emotional responses of the reader.

But it is unfortunate that this class of readers is so small—or rather, that the author has taken others so little into account. For those who know the suffering and helplessness of poverty first hand as well as those who know of the existence of poverty but relegate it to the subliminal regions of consciousness do not need to be told with emphatic reiteration that competitive industry involves poverty. They need a clear, accurate, comprehensive analysis of our social machinery in which the relation of the problems of poverty to all the other problems of the social order is made absolutely clear and irrefutable. Dr. Nearing's book does not present such an analysis both because accuracy of perspective is incompatible with the frank adoption of the point of view of one class, and also because the author has an inveterate habit of reading more design into this mechanical universe than actually exists. "Thinking in such terms," he says on page 11, "and applying their thought to the affairs of the state, the English-speaking world built up a social system on the supposition that

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the greatest sum of human happiness and nobility can be thus secured." Statements such as this—and the book is full of them—are perhaps suitable for the undergraduate class-room; for undergraduates in general belong to the first of the classes of readers described above. But there are many of us who can hardly view the world as a conscious construction, even of man.

C. E. AYRES.

University of Chicago.

THE TRADE UNION WOMAN. By Alice Henry. New York and London: D. Appleton & Company, 1917. Pp. XIII+314. $1.75.

The trade union movement, it was said by one who knew, cannot be understood apart from a thoroughly scientific and first hand study of the psychological, economic, ethical and social character and environment of the diverse groups which make it up. *The Trade Union Woman* does not attempt to make such a study of one organized labor group. Its purpose is merely to present in a popular manner an account of the trade union movement among women and state some of the larger problems affecting women wage-earners as women. But the book, arising out of the actual experiences and struggles of the former editor of *Life and Labor*, the organ of the National Women's Trade Union League, contains an abundance of extremely pointed and intimate observations touching the ideals and hopes, the policies and methods, the achievements and failures of women trade unionists. And more especially, the treatment of the subject from the point of view of the functions and the particular conditioning environment of woman throws much light on the underlying character of organized women. In a word, the details, presented somewhat unsystematically in places, may well serve as the basis for a more comprehensive and scientific study of the woman trade union group.

The subject is approached historically. Women encountered the hostility of their brothers as well as that of their employers, when they first organized. The trade unionists were compelled to accept and even organize women workers in the end, for self-protection. Thousands of women workers belonged to the idealistic and gallant Knights of Labor, but permanent organization of women did not come until the American Federation of Labor

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was organized in 1886 and International Unions in the early 90's. A new period began in 1904 when the general federation, the Women's Trade Union League, was organized. Its platform, organization of all workers into trade unions, equal pay for equal work, the eight-hour day, a living wage, and full citizenship, expresses adequately perhaps the demands of trade union women. "The Huge Strikes" of the garment trades in 1909–11, as a piece of current history, receive a chapter.

The question of the organizability of women is answered positively and warmly. The immigrant woman can be taught her true interest. The domestic and even the housewife, as well as the office, factory and store girl, need the benefits of union standardization and they can be organized. How? By agitation and education, plus the help of the larger economic and social forces. Men trade unionists can help, too. Youth, inexperience in unionism, low wages, marriage, hostility of employers, these are obstacles but not insurmountable. The need is for trained organizers.

The organized trade union women speak for the wage-earning women. They demand entrance into various skilled occupations, adequate training and vocational education, improved industrial conditions, among other reasons so that they will not be driven into marriage, and last but not least, the franchise. The author is emphatic and clear about these points. But she is extremely idealistic, although an opportunist, and is pinning too much faith possibly on the strength of ideas, persons, and the justice of her cause.

The war situation has changed matters. From meagre reports we learn that women are being trained to skilled trades, that they are doing certain kinds of work they never did before to any extent, that they are earning higher wages and belonging to trade unions in greater numbers than ever. When the soldiers return for their jobs—those that do—will the women go back to the unskilled, low-paid trades? Will they drop their trade union membership? Will they continue to be denied the franchise?

The beginning of an answer to such questions as these, which may trouble us in the United States in the future as well as the people of Europe, will be found in this work on *The Trade Union Woman*.

NATHAN FINE.

University of Chicago.

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SHORTER NOTICES.

TRUST LAWS AND UNFAIR COMPETITION. By Joseph E. Davies. Washington: Government Printing Office, 1916. Pp. liv, 832. Price, 40 cents.

UNFAIR COMPETITION. By W. H. S. Stevens. Chicago: The University of Chicago Press, 1917. Pp. xi, 265. Price, $1.50 net. Postage extra, wt. 1 lb. 3 oz.

THE MORALS OF MONOPOLY AND COMPETITION. By Homer Blosser Reed. Menasha, Wisconsin: George Banta Publishing Company, 1916. Pp. 143.

These three books give documents, analysis, and interpretation of the problems of competition. The immediate occasion for the first volume, which is by the Commissioner of Corporations, was the discussion and movements of various kinds which culminated in the Federal Trade Commission Act and the Clayton Antitrust Act, both of 1914. The volume contains not only the legislation of the United States and of the several states, but the interpretation of these by the courts, common law decisions, foreign antitrust laws, and various other material of great value. It would be an excellent source book for a course on this aspect of business ethics, and is likewise indispensable for anyone who wishes to inform himself upon the subject.

The second volume grew out of two articles originally published in the *Political Science Quarterly*. It analyzes many types of unfair competition and gives the concrete and specific facts, as well as the principles involved. It is a valuable companion volume for the compilation by Davies.

The third is primarily concerned with the ethical aspect of business, as affected by the change from the older methods of individual competition to the present conditions of combination. Three chapters deal with the change from private to public morals with carriers, with large industrial combinations, and with methods of determining prices. Much use is made of judicial decisions, but for the purpose of pointing out how far these respond and how far they fail to respond to the change in the conditions in which the laws are designed to function. Competitive morals grew out of reaction against previous monopolistic conditions and functioned satisfactorily so long as industrial conditions were genuinely competitive and individual traders were approximately equal in capital. The growth of large combinations has compelled the shift to the view that not only railroads but other combinations are essentially public, and must be so treated. This involves in general a change from charging *all you can get* to charging only what is *needed* for conducting an efficient business.

J. H. T.

THE CONTROL OF STRIKES IN AMERICAN TRADE UNIONS. By George Milton Janes, Ph.D. Johns Hopkins Studies in Historical and Political Science, Series XXXIV, Number 3. Baltimore: The Johns Hopkins Press, 1916. Pp. 131.

The author states that the purpose of this study is to describe the control of strikes exercised by general or national unions. This, with the further statement that he accomplishes his purpose quite acceptably, is an accurate summary of the contents of the book. The facts of the more important aspects of this subject have been carefully collected and are presented in a clear and orderly fashion. The book represents the researches of a scholar, and is therefore wholly without the bias of a protagonist.

C. E. A.

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SOCIAL RULE, A STUDY OF THE WILL TO POWER. By Elsie Clews Parsons. New York: G. P. Putnam's Sons, 1916. Pp. 185. Price, $1.00.

Various aspects of social rule more subtle but not less coercive than political rule, are brought together by Dr. Parsons. The classes thus specified as subject to the Will to Power are Juniors, Women, Slaves and Servants, Wage-Earners, Backward Peoples, Delinquents and Defectives, Lower Animals, the Dead, the Gods and even Self. In view of the fact that the subjection of husbands forms a large part of the subject matter of modern humor one wonders that so keen an observer has not seen fit to include husbands among the victims. It seems far fetched to instance the present desire of eugenists that defectives should be segregated during the reproductive period under the "Will to Power." The outlook for social freedom is seen in an increasing "concentration of our energy upon bettering nature rather than upon bettering man, or, shall we say, in bettering human beings through bettering the conditions they live under." As in all Dr. Parsons' books, entertaining material points to a positive goal.

TRUANCY AND NON-ATTENDANCE IN CHICAGO SCHOOLS. A Study of the Social Aspects of the Compulsory Education and Child Labor Legislation of Illinois. By Edith Abbott and Sophonisba P. Breckinridge. The University of Chicago Press, 1917. Pp. 465. $2.00 net.

Although the primary subject of study is the condition in Chicago, the significance of this book is general. Reasons for non-attendance, study of the habitual truant, of mental and physical defects, of the relations of truancy, dependency and delinquency, the problem of the immigrant child—these topics deal with problems found in all our large cities. Careful studies of the school law, the growth of the compulsory system and the defects in the present standards are also highly instructive. Documents of various sorts form an important series of appendices. It is likely that the book will result in an important improvement of the child labor law in Illinois.

J. H. T.

EUROPE UNBOUND. By Lisle March Phillipps. London: Duckworth & Company, 1916. Pp. xii, 212. Price, 6s. net.

The war has raised a crop of political theorists and essayists in the philosophy of history, and Mr. Phillipps, with his real distinction of style, is one of the most eloquent. Perhaps the rapid growth of theory is due to man's instinct to define and to establish some kind of order and sequence in the midst of chaos. Mr. Phillipps sees his order in a recognition of the war as a significant contest between tyranny and liberty. In this he is at one with many thinkers, such as the author of *Humanity and Inhumanity*. He goes further, however, in claiming that the conflict of the two ideals is not only political but spiritual; and in the ultimate analysis he defines it as a conflict between philosophy (a human product) and religion; between the Renaissance and the ages of Faith! Opposed to the ideal of liberty, Mr. Phillipps sets the Prussian ideal of domination. Prussia has worked out a tyrannic rule of life, and "to face the philosophy of freedom has brought forth the philosophy of tyranny." This has been said before, but never so eloquently and with such sure outline.

In the last three chapters, the author turns to the English aspects of his theory, and to the future; also to the weakness of modern liberalism and

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conservatism. In the last and most significant chapter he deals with the possibility of an united Europe, and with the best of our modern thinkers recognises the "inevitableness of unity as the test of political intelligence." And such a scheme presupposes the inclusion of Germany, since evidently there can be no united Europe in which Germany is not included.

M. J.

OUR ULTIMATE AIM IN THE WAR. By George G. Armstrong. London: George Allen & Unwin, Ltd., 1916. Pp. 224. Price, 2s. 6d. net.

The erection of an international authority for the control of international relations has presented itself as the necessary outcome, to many minds, of the present breakdown of our older methods of diplomatic control. There have been already a number of books on the subject, of which the most remarkable is Mr. J. A. Hobson's standard work *Towards International Government*, a book to which Mr. Armstrong owes much, and to which he constantly refers. Mr. Armstrong's book is an very able and lucid popularisation of the subject.

His reasoning is throughout dominated by the idea which as he tells us has been derived from Kant's treatise on *Perpetual Peace*. "Every state," Kant says, "for the sake of its own security, may—and ought to—demand that its neighbour should submit itself to conditions similar to those of civil society, where the right of every individual is guaranteed. . . . For states, in their relation to one another, there can be according to reason, no other way of advancing from that lawless condition which unceasing war implies, than by giving up their savage lawless freedom, just as individual men have done."

So far everyone who thinks is in agreement with Kant, and hopes, with the Prime Minister, for the substitution for force of a real European partnership established and enforced by a common will. It is inevitable, however, that in spite of Mr. Armstrong's vigorous advocacy and genuine argumentative powers, the difficulties in the way of a world parliament or even of a European federation would seem still to await solution. There is, for instance, the question of the exact scope of the federation; a *bloc* of united European nations would be undoubtedly considered a danger by non-European countries. In the earlier portions of the book, Mr. Armstrong restricts himself to Mr. Asquith's modest ideal of an European federation, but in the later, he sketches following Mr. Hobson's lead, a world state and a world parliament of five hundred and twenty-five representative units. These units are chosen on a popular basis, so that in the case of China—if China were included—some drastic modification of the population basis would be necessary in order to avoid a swamping of the vast agglomeration of humanity in Asia. China, Persia, India and Egypt are not, however, included in the initial membership, and so the problem is deferred.

M. J.

PRACTICAL PACIFISM AND ITS ADVERSARIES. Is it Peace, Jehu? By Dr. Severin Nordentoft, with an introduction by G. K. Chesterton. London: George Allen & Unwin, Ltd., 1917. Pp. vi, 213. Price, 4s. 6d. net.

Dr. Nordentoft's book is a compound of the preface to his book, the *Pacifist Cause*, published in 1913, some pages of its programme, and an exceedingly interesting supplement embodying a pamphlet written by a member of one of the oppressed nationalities under German rule—prob-

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ably a Schleswig Dane. This portion of the supplement (pp. 56–135) is a tragic and detailed record of the cruelty of forcible denationalisation and the tenacity of a small people in resistance to it. The warning example might, of course, have been taken from the relation of the Russians to the Finns, the Magyars to the Roumanians, the Japanese to the Koreans; but Dr. Nordentoft had no connection through which he could secure such a document from these districts and offers this present document not as a solitary illustration of the wrong way with subject nationalities, but as an eloquent piece of propagandist literature, which by emphasizing the rights of peace of Danes in Schleswig and Poles in East Prussia, shows the all-important part which these rights—the use of the mother tongue, freedom of association, and so on,—play in the daily life of the people. To non-Germans the pedantic rigidity of the Germanising campaign in these districts borders on the ridiculous. A hair dresser may not call himself a *coiffeur* in Strassburg; in certain districts it was impossible for a Pole to get municipal and state permission to build himself a dwelling house. "At the beginning of this campaign, people were at first allowed to build the dwelling house, and afterwards the proprietors were forbidden to use them. The house stands empty and must not be entered, while the would-be inhabitants sleep in the barn or stable. The temptation to steal into the dwelling-house at night is great, but to do so involves a fine. And if the police suspect anything of this kind, they spread fine sand round the house in the evening, so as to be able to find footprints next morning." (p. 103).

The author contrasts with such methods the tact of the United States in dealing with its immigrants, and the British gift of self-government to the conquered South African republics.

Dr. Nordentoft's programme for the Pacifist scheme is universal free trade, social and educational liberty for all citizens; and lastly diplomatic centralisation at the Hague, and the gradual withdrawal of embassies to that centre, so that all diplomatic discussions should be carried on there.

M. S.

THE NATIONAL SPIRIT OF JAPAN: A CONTRIBUTION TO THE SPIRITUAL UNDERSTANDING BETWEEN NATIONS. By S. Honaga. Bristol: J. Arrowsmith, Ltd; London: Simpkin, Marshall, Hamilton, Kent and Co., Ltd., 1916. Pp. 110. Price, 1s. net.

The aim of this small book is to reform the attitude of any nation towards foreign countries, "by her contribution to the better understanding of the national spirit of Japan." That the investigation of one side of the Japanese spirit—Shintoism and Bushido—has certainly not been neglected in the present century, can be seen by the number of articles and works by both European and Japanese scholars on these subjects. While the sections upon Japanese civilisation are written with full sympathy and knowledge—the author is a Japanese—the clearing up of European and American misunderstandings in relation to the German-Japanese war is meagre and unconvincing. Race-prejudice, dealt with in "the so-called Yellow Peril" section (pp. 69–74) can hardly be exorcised or mitigated by the author's simple recipe: "If some people hate differences in the colour of the skin and hair of other nations, let them suppose that they had been born and bred in the same country; they could hardly have escaped being coloured similarly." On page 82, the quotation of "All things spring from strife" and "War is the father of all things" in German,

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gives the impression that these aphorisms were a German contribution to thought.

M. J.

The author points out the futility of warfare and the need for a spiritual understanding between nations. He shows that principles and ideals which can accomplish this result are to be found in many of the religions of the world, especially in Shinto and Christianity. As the author points out, these principles and ideals have not been applied between nations as many of them have been applied between individuals. Nations are only too apt to think of their own rights and to ignore the rights of other nations. Dr. Honaga shows that this terrible state of things will remain until the great ideas of justice, truth, and brotherhood are to be shown and used as the fundamental factors in the dealings of each individual nation with other nations. Otherwise selfishness and self-aggressiveness will remain the most powerful factors in the world and peace and good-will cannot take root in the life of nations. All are called to-day to labour for international righteousness and good-will. The application of the ethical and religious principles which exist between individuals and between members of the same nation are to be extended between one nation and another. Each nation can very well preserve its own individuality and at the same time extend its spiritual qualities to other nations. The little volume is written in a fine spirit and we welcome it all the more as it is an all-important message from the East to the West.

W. T. J.

DIDEROT'S EARLY PHILOSOPHICAL WORKS. Translated and edited by Margaret Jourdain. "Open Court Classics of Science and Philosophy," No. 4. Chicago and London: The Open Court Publishing Company, 1916. Pp. vi, 246. Price, $1.25 or 4s. 6d. net.

Diderot's early philosophical works, of which this is a translation (excluding the insignificant *Sceptic's Walk*), have by no means lost their interest; and a translation of his later philosophical work, including his *Thoughts on the Interpretation of Nature* and certain selected articles from his *Encyclopedie*, would be an useful complement to this useful selection. Diderot's range is extraordinary, as within this small volume he breaks ground in ethics and aesthetics, in the criticism of religion and of art. On the ethical side, besides a patient scientific discussion of the theory of vision in the *Letter on the Blind*, he treats of how far a modification of the senses would involve "a modification of the ordinary notions acquired by men who are normally endowed in their capacity for sensation," and concludes that the morality of the blind is bound to differ from the sighted and that of the deaf from the blind; "and if a being should have a sense more than we have, how woefully imperfect would he find our morality." The *Letter on the Deaf and Dumb* is full of interesting speculations upon aesthetics, which Lessing afterwards turned to account, and the *Philosophic Thoughts*, burnt by the Parliament of Paris in 1746, has still its interest as a breviary of philosophic sceptism.

SOME HISTORICAL REFLECTIONS ON WAR, PAST AND PRESENT: being portions of two annual Presidential Addresses delivered to the British Academy, June 1915 and July, 1916. By Viscount Bryce. London: Oxford University Press (H. Milford), 1917. Pp. 28. Price, 1s. net.

Lord Bryce's two presidential addresses are deliberately written in a spirit of detachment, as if he, like a distinguished scholar and archaeologist, moved "in the shady groves of the past," rather than in the present.

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Nothing is said which any one of the members of the Academy "to whatever country he may belong, would feel pain in reading ten or twenty years hence." He is content to note the phenomena of the war, to raise rather than attempt to answer the ethical problems it presents, for the problems are not new, and in their essence at least as old as the fifth century, B.C., when they were debated in Athens.

The second address contains some acute criticisms upon plans for a federation, or league of nations.

M. J.

THE HOPE FOR SOCIETY: Essays on Social Reconstruction after the War. Edited by L. Gardner. London: G. Bell & Sons, 1917. Pp. 236. Price 3s. net.

This book, a collection of lectures given at the Interdenominational Summer School held at Swanwick in 1916, is well worth reading; and Mr. Christopher Turnor's paper on the development of English life is especially valuable. That methods and aims for social reconstruction after the war should be debated during the actual period in England is a significant sign of the breaking-up of our national lethargy. The least interesting of the contributions is a pettish prefatory paper by the Bishop of Oxford. On the social side, the papers contain many suggestions which deserve consideration in the reconstruction period.

M. J.

THE AMERICAN LEAGUE TO ENFORCE PEACE. By C. R. Ashbee, with an Introduction by G. Lowes Dickinson. London: George Allen and Unwin, Ltd., 1917. Pp. 92. Price, 2s. 6d. net.

Mr. Ashbee, who was one of the few Englishmen present at the inauguration of the American League to Enforce Peace, interprets in this book the tendencies of modern American opinion; and emphasizes the significance of that movement, which passed almost unnoticed in England until President Wilson's speech in June 1916. Like Mr. Brailsford and others, he considers the adhesion of America to a League of Nations would bring this project into the sphere of practical politics; and he is alive to the value of the United States as a counter-weight in the European League; for the United States, within its own borders, is solving by fusion some problems of nationality.

M. S.

THE PARLIAMENT OF MAN. By Maximilian A. Mugge. London: C. W. Daniel, Ltd., 1916. Pp. 274. Price, 6s. net.

The question of an International Court is discussed with some freshness and point in Mr. Mugge's book. It is dealt with under four headings; its genesis, its constitution, its functions, and its outlook. "Immediate steps," political, social and economic are also discussed. There is, in addition, a bibliography, and a *résumé* of the stock arguments, fortified by quotations from the poets, for peace and for war. There is an useful bibliography in which however, Mr. Hobson's work, *Towards International Government* is not included.

M. J.

THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES. By Carl Heath. London: Headley Bros., 1917. Pp. 96. Price, 1s. net.

A small handbook in two parts, giving in the first an useful and concise account of what was accomplished in the way of building up an inter-

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national organisation for the maintenance of peace by the Hague conferences and the Pacific convention; and in the second a sketch of a future court of nations, in which, as the author is a thorough-going pacifist, this international authority is given no control of military force (pp. 78–79).

M. J.

THE PROBLEM OF HUMAN PEACE STUDIED FROM THE STANDPOINT OF A SCIENTIFIC CATHOLICISM. By Malcolm Quin. London: T. Fisher Unwin, Ltd., 1916. Pp. 275. Price, 7s. 6d. net.

The author decides that a Human Peace can only come about through the operation of the Modern Mind. By an adequate scientific study of war this Mind will realise that both causes and effects are hostile to that perfection in Christ which is the spiritual aim of Christendom. After a rapid elimination of alternatives Catholicism, which is said to include all that is best in Eastern as well as Western thought, is selected as the only antidote to the causes of war—a Catholicism, however, thoroughly overhauled by the Modern Mind, and then disseminated through the Roman organisation. The peoples will thus be informed with the common national policy of perfection. It is to be hoped that the Modern Mind will eventually fill in more clearly the outlines of this policy; but the insistence laid on the part that the Church might play in relation to peace is valuable. The pace of the argument is often rapid: the reader is left with an overwhelming sense of the Modern Mind's synthetic grasp, and of the futility of inter-state arrangements for the avoidance of war.

C. DELISLE BURNS.

London, England.

VIA PACIS: How Terms of Peace can be automatically prepared while the War is still going on. A suggestion offered by an American, Harold F. McCormick. London: George Allen and Unwin, Ltd. Pp. 56. Price, 1s. net.

The plan contained in this pamphlet was issued privately and sent to the governments of the belligerents and neutral States in July, 1916, and is now put forward for consideration by the public. It seems that we may conclude that the plan has been ignored by the governments referred to. The plan is briefly that the terms of peace should be formulated and made public both now and in such a way that they can be changed periodically in accordance with the varying fortunes of the war (pp. 6, 19). Probably no government would be found which would thus admit that it was not fighting for ideals or for justice, but for what the author often refers to as the "cash value" of ultimate peace terms (pp. 6, 20, 48). Naturally the admirer of an "appeal to the sword" would say that this attempted introduction of the pure and frank methods of the stock exchange is quite irrelevant to such a noble thing as war. Since war itself is a monstrous irrelevance, the war-god must be rather satirical.

P. J.

HUNDRED DAYS IN CEYLON UNDER MARTIAL LAW IN 1915. By Armand de Souza, editor of *The Ceylon Morning Leader*. Printed by Woolridge and Co., High St., Highgate, London, N., 1916. Pp. iv, 120.

In June, 1915, a series of riots in the island of Ceylon broke out. Inevitably German intrigues suggested themselves, but as a matter of fact the outbreak was directed solely against the "Coast Moors." The author

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calls this book "an appeal to the British conscience for justice to the people of Ceylon," and belives that it will justify his faith. Indeed, "the interest of British rule, much more than the sentiments of the people of Ceylon, require that the facts of the situation should be verified, and that such injustice or wrong as still continues to operate should at least be considered." This is a very weighty document.

P. J.

THE VAMPIRE OF THE CONTINENT. By Count Ernest Zu Reventlow. Translated from the German with a preface by George Chatterton-Hill. New York: The Jackson Press, 1916. Pp. xiii, 225. Price, $1.25. Postpaid, $1.35.

According to the publishers, the copy from which this American edition has been printed came to this country on the German U-Boat *Deutschland*. It is an important document for those who wish to understand the attitude of Germany toward England, which found a briefer expression in the "Hymn of Hate." England is represented as having had a single and undivided policy of piracy, greed, and perfidy, pursued recently with diabolical malignity. If the German people thoroughly believes that it is playing the part of the lamb in Aesop's Fable, it is easy to understand its unanimity. The translator welcomes the book as an aid to the liberation of Ireland.

ENGLAND'S WORLD EMPIRE. By Alfred Hoyt Granger. Chicago and London: Open Court Publishing Company, 1916.

Like Reventlow's book, this volume surveys history with a purpose. The author desires to correct what he believes to be the unjustified attitude of America toward Germany and England. He does not, however, paint England all in one shade of black, but recognizes that there have been various parties, some more liberal than others. He also condemns the sinking of the *Lusitania*. On the other hand, in selecting his material for explaining the origins of the war, he omits any mention of Austria's proposal (according to the statement of the former Italian premier) to attack Servia a year earlier. Most of the acts of England's empire building, which are set forth, have been condemned by contemporary liberal opinion in England. They have, undoubtedly, given pause to many who would prefer to stand with her, and explain much in America's attitude which has been more or less openly resented by Englishmen. The decisive question, however, for America must be, which influence is likely to be dominant in Britain's future, the Tory or the Liberal, and whether German control of Europe and of the Atlantic would leave any safety for any democracy not subject to it.

J. H. T.

PROFESSIONALISM AND ORIGINALITY with an Appendix of suggestions bearing on professional administrative, and educational topics. By F. H. Hayward, D.Litt., B.Sc., Inspector of Schools. London: George Allen & Unwin, Ltd. Chicago: The Open Court Publishing Company, 1917. Pp. xvi, 260. Price, 6s. net.

This is a short book: and one cannot miss one's way in it. All the mechanical aids to easy reading are present: and Dr. Hayward is so blazingly in earnest with his idea that one can pick it out on every page. His book is a polemic against professionalism. The first part is a cata-

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logue of the vices to which the professional spirit is heir; the second—in intention a study of the characteristics of the Living Man, i.e. of the original mind—is mainly concerned with the reception which such a mind finds in the world of professionals. Dr. Hayward has plenty of material for his case; he handles all professions with a fine impartiality. Unless, indeed, one resorts to the most damnable sin of professionalism—the assumption that one's own class is less peccable than others—one entertains no doubt but that the case is proved. The remedy is not easy. Dr. Hayward is convinced that professions are necessary to organized civilization. His own suggestions in the appendices are plain enough evidences of the conflict between system and spontaneity, and they can hardly be said to take us very far. Nevertheless the book is important less for these suggestions than for its trenchant discussion of many questions which are sadly in need of airing, and for the precision with which it formulates certain queries which can be answered, which ought to have been answered long ago, and which only laziness and a mistaken notion of professional dignity keep us from answering now.

H. J. W. H.

MENS CREATRIX. By William Temple. London: Macmillan & Company, 1917. Pp. xiii, 367. Price, 7s. 6d. net.

Mr. Temple wishes to demonstrate that philosophy, art, morality, education and politics all aim at a completion which they never of themselves reach, and that they find this completion in Christianity. He supplies accordingly a metaphysics, an aesthetics, a social and individual ethics, and a theology.

This is a vast undertaking. As might be expected, Mr. Temple has not exactly shown us that all roads of human speculation lead to the Anglican Communion, but has shown, with great charm of style and lucidity of dialectic, how particular types of metaphysics, aesthetics, and ethics may be made to form a symmetrical whole with Christian theology. His book is thus a compendious *Summa*. He does not demonstrate that any form of philosophy leads to Christianity; he takes a particular type, absolute idealism, and shows that the idealistic absolute is a failure unless it can be identified with a personal Diety. Influenced by Mr. Bradley, he yet rejects his Absolute as unmoral and unmeaning. Similarly, he declares that the work of art points to "a perfect grasp of the entire universe in all its extent of space and time by an eternal mind" . . . to whom the whole history of the society of finite minds is present in the "moment eternal" of perfect intuition. In discussing the nature of the State, Mr. Temple asserts that "the nations . . . need some society that may include themselves, whose basis shall be a common purpose . . . arising out of loyalty to an all-inclusive Kingdom and a common Master." And the problem of evil is stated in the form "What is the good of evil?" As for our struggle with sin we are told however that "the issue lies with Him, not with us." Unless He calls forth from our own hearts the response to His own love, we are helpless.

There is much that is suggestive, and even cogent, in the course of the argument. But to agree with the author we must not only concede that "Intellect and Imagination, Science and Art, would reach their culmination in the apprehension and contemplation of the supreme principle of the universe adequately embodied and incarnate," but that this culmination is found in Christianity. And might it not be maintained that religion, however poor our lives would be without it, is only one form of satisfaction

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among others, rather than the culminating satisfaction of all satisfactions?

Mr. Temple says many wise things by the way, especially in his chapter on Education.

T. S. ELIOT.

London, England.

RELIGION AND PHILOSOPHY. By R. G. Collingwood, Fellow and Lecturer of Pembroke College, Oxford. London: Macmillan & Company, 1917. Pp. xviii, 219. Price, 5s. net.

Mr. Collingwood has conceived a task very similar to that of Mr. Temple ("Mens Creatrix")—the necessary completion of philosophy in religion. He holds, however, that philosophy and religion are in reality the same thing; for even a materialistic philosophy, firmly held, may be a man's religion. He proposes then "to treat the Christian creed not as dogma but as a critical solution of a philosophical problem."

Mr. Collingwood is successful at least to this extent, that granted the historical facts of Christianity, a most efficient philosophy can be built upon them. It is true that history and philosophy, as Mr. Collingwood contends, are interdependent. But philosophy depends upon the whole course of history, not upon any particular signal and unique facts; and its freedom of interpretation is limited only by its obligation to exclude nothing. Religion, on the other hand, or at least the Christian religion, depends upon one important fact. Philosophy may show, if it can, the meaning of the statement that Jesus was the son of God. But Christianity —orthodox Christianity—must base itself upon a unique fact: that Jesus was born of a virgin: a proposition which is either true or false, its terms having a fixed meaning. It seems therefore insufficient to claim, what seems to be the extent of Mr. Collingwood's historical demands, that Jesus was an historical person.

Mr. Collingwood attacks the problem of evil by conceiving of God "not as imposing his will on the world from without, but as himself sharing in all the experiences of other minds." "God is the absolute good will." Mr. Collingwood admits that the universe is a totality only *in posse*. One is tempted to ask whether the omnipotence and absolute good will of God are also *in posse*.

The philosophical interpretation of the Incarnation, of the Atonement and of Miracle, are extremely well handled.

T. S. ELIOT.

ESSAYS IN ORTHODOXY. By Oliver Chase Quick. London: Macmillan, & Co., Ltd., 1916. Pp. xliii, 310. Price, 6s. net.

The author of these essays is chaplain to the Archbishop of Canterbury; and the essays are very much what a chaplain to the Archbishop of Canterbury might be expected to write. Mr. Quick falls back from history to theology; a settlement of the controversy concerning the miraculous birth of Christ and the physical fact of His Resurrection "can only be found in the logical considerations, not in those of historical evidence." His controversy lies outside the province of a JOURNAL OF ETHICS; but its method does not. And it is the application of such methods to such subject-matters which leaves the unsophisticated reader under the profound impression that the so-called evidence of theology is evasive and insincere, while he in no way questions the subjetive sincerity of those who employ them.

A. F.

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INDIAN MORAL INSTRUCTION AND CASTE PROBLEMS. By A. H. Benton. London: Longmans, Green & Company, 1917. Pp. xii, 122. Price, 4s. 6d. net.

We are indebted to Mr. Benton for a mass of carefully prepared information concerning the past of education in India, and for a well considered criticism of its failure to meet the needs of that country. The British government in India has, according to the author, made three mistakes in dealing with the educational problem and the book may be regarded as a study of the causes of those mistakes and of possible remedies for the evil results. In this way it is a work of interest and importance to all. The suggested remedy "that the Government will regard all religions with impartial favour and respect, it will repress all acts which violate law, humanity, justice or decency and all infringements of the rights of property notwithstanding any plea of justification on religious grounds" may not commend itself to all readers, may not seem wholly to meet the problems raised in earlier chapters, but it must stimulate interest and individual consideration.

The treatment of the caste problem seems to us to be somewhat inadequate. Lack of space may account for a too scanty handling of this question but the reader is left with a certain dissatisfaction and a feeling that he has not been fairly treated. There is a lack of grip and of breadth in dealing with the subject and if, as we are led to suppose, the presence of the caste system in India complicates the educational and religious situations, the public is surely entitled to more information on this question. We are, however, indebted to Mr. Benton for light thrown upon the origin of this interesting social phenomenon and are certainly supplied with food for reflection.

A similar criticism may be passed upon the treatment of the subject of religious toleration. The book does not profess to deal with this question *per se:* but since this is the solution offered by Mr. Benton and since some account and apology is vouchsafed concerning this *via media* between neutrality and intolerance, the historical and philosophical treatment given may be considered to be thin and not always sound. Here again the defect is chiefly due to lack of space and it may be left to the reader to fill in the gaps and to apply to present day problems the truths enunciated in the past and expounded by Mr. Benton.

We have nothing but praise for the masterly way in which Mr. Benton with the scholarship of a statesman is not content merely with stating the problem and suggesting temporary and superficial remedies but insists on referring his readers to the fundamental principles underlying the problems set forth. But some of his remedial measures are dangerous.

Mr. Benton suggests that toleration should be substituted for neutrality; and toleration he explains to be "impartial favour for all religions, with maintenance of the law." Mr. Benton's suggestion is to found a committee in each district for religious and moral instruction, empowered to draw up a religious and moral syllabus; and this syllabus would "contain a narrative of the barest facts of Christ's life simply told, with the most important Gospel precepts embodied." Such a measure, it would be at once alleged, would be considered the surreptitious smuggling-in of Christianity, and would undoubtedly endanger British rule in India.

M. C.

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ASSISTANCE NEEDED FROM PSYCHOLOGISTS.

As one step in developing character education as an important element in public education, it is necessary to define the goal toward which the character development of the child should be encouraged. Consultation and correspondence has been going on for over two years with the object of producing a "character chart" of the perfect human being living under modern conditions. The chart is divided into "intellectual," "working," "personal," "social," "emotional" and "physical" character. This classification is based on the inquiries made when in practical life an employer is deciding whether a certain person ought to be promoted to a position of great responsibility. When a university president is looking for a professor of psychology among the younger men in the field, he covers this ground. The chart as we have it is believed to be defective in its statement of the "emotional character" of the perfect human being, and a revision is being attempted. I should like to submit this "sixth revision" to the criticism of psychologists, and invite personal letters of advice. It is as follows:

Emotional Character.

1. Courageous, not timid.
2. Capable of true love, not cold-hearted.
3. Kindly, not cruel nor hateful.
4. Sympathetic, not self-centered.
5. Forgiving, not vindictive.
6. Responsive to the beautiful, not indifferent.
7. Alive to truth, not uninterested.
8. Devoted to righteousness, not inclined to evil.
9. Humble, not conceited.
10. Just, not unfair.
11. Zealous for high ideals, not content with low standards.
12. Hopeful, not pessimistic.
13. Reverent, not irreligious.
14. Friendly, not lacking good-will.
15. Grateful, not unappreciative of kindness.
16. Loyal, not treacherous.
17. Public-spirited and patriotic, not selfish.
18. Progressive, not opposed to change.
19. Ambitious, not self-satisfied.
20. Earnest and determined, not trifling.
21. Generous and sportsmanlike, not stingy nor jealous.

The criticism which we are trying to overcome is that the emotional character represented is too passive, is not dynamic, and does not fully represent the emotions that drive the person to activity and to extreme exertion in achievement. The question is, Does this list include all the dynamic emotions?

The list is purposely allowed to remain without justification as to the order that such lower matters as arrangement may be treated as immaterial to the question of completeness of enumeration and accuracy of statement. Are the items true and are all the dynamic factors in action included?

Milton Fairchild.

National Institution for Moral Instruction,
Study, 3730 McKinley St., Washington, D. C.

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